

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA, **FILED** CR-03-1322 (SJ)

-against-

IN CLERK'S OFFICE U.S. Courthouse  
U.S. DISTRICT COURT E.D.N.Y. Brooklyn, New York

MOHAMMED ALI HASSAN ★ MAR 11 2005  
AL-MOAYAD and MOHAMMED  
MOHSEN YAHYA ZAYED, :

P.M. \_\_\_\_\_

Defendant's TIME A.M. TRANSCRIPT OF TRIAL  
February 2, 2005  
- - - - - X 9:30 a.m.

BEFORE:

HONORABLE STERLING JOHNSON, JR., U.S.D.J.  
And a jury

APPEARANCES:

For the Government: ROSLYNN R. MAUSKOPF, ESQUIRE  
United States Attorney  
One Pierrepont Plaza  
Brooklyn, New York 11201

By: KELLY MOORE  
PAMELA CHEN  
JEFFREY KNOX  
Assistant U.S. Attorneys

For the Defendant: WILLIAM GOODMAN, ESQ.  
HOWARD JACOBS, ESQ.  
For Deft. Al-Moayad

JONATHAN MARKS, ESQ.  
For Deft. Zayed

Court Reporter: Holly Driscoll, CSR  
Official Court Reporter  
225 Cadman Plaza East  
Brooklyn, New York 11201  
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Proceedings recorded by mechanical stenography, transcript  
produced by Computer-Assisted Transcript.)

1 (The following takes place out of the presence of  
2 the jury.)

3 THE COURT: Ready?

4 MS. MOORE: We are, Your Honor.

5 THE COURT: Bring the jury in. What do we have  
6 today?

7 MS. MOORE: We're going to play more tapes and read  
8 the transcripts.

9                   THE COURT: One of the things you're going to have  
10 to do, I understand one of the jurors has a child she has to  
11 pick up so we'll stop at 5:15.

12 MS. MOORE: That's fine.

13 (Jury enters courtroom.)

14 THE COURT: Have a seat, ladies and gentlemen.

15 I forgot that one of you has to pick up a child

16 We're going to make sure that we get out of here no later than  
17 5:15 to accommodate you and I apologize, I forgot all about  
18 it. I told you my memory was bad. We will be sitting Monday  
19 and Friday of next week and Tuesday, Wednesday Thursday we  
20 won't be sitting. Okay. We're sitting this Friday.

21 Ms. Moore or Ms. Chen.

22 MS. MOORE: Yes, Your Honor, at this time the  
23 government is going to read the Arabic portions of T-4. We'd  
24 ask the jurors to --

25 THE COURT: T-4 is a transcript of?

1 MS. MOORE: Four.

2 THE COURT: In evidence.

3 MS. MOORE: Correct.

4 MS. CHEN: And for the record, Your Honor, it is a  
5 meeting that occurred on January 8th, 2003 starting at  
6 approximately 11 a.m., it involves the two defendants and the  
7 two CIs. Again, I will be playing the role of the CI-1,  
8 Mr. Knox will be playing the role of Al-Moayad and Ms. Moore  
9 will be Mr. Zayed and to the extent that CI-2 speaks any  
10 Arabic, she will also read those portions.

11 MR. KNOX: This is the transcript of the meeting  
12 that we all watched yesterday afternoon.

13 (READING BEGINS:)

14

15

16 "MOAYAD: Peace upon you!

17 CI-2: And peace upon you

18 MOAYAD: God is Great! We are there and  
19 you're here.

20 CI-1 Huh?

21 MOAYAD: Huh?

22 CI:1: Yeah. He is saying that we can't open the  
23 window, because the air...

24 MOAYAD: That is better. We could adjust the  
25 temperature. Your place is better. It is stuffy in here.

1 CI:1: If it gets too hot, we'll-

2 MOAYAD: Mm, we could adjust it.

3 CI:1: - we could adjust it.

4 CI:1: This Quran is one of the old ones.

5 MOAYAD: It's a Pakistani, a Pakistani publisher.

6 CI:1: Yes.

7 MOAYAD: Who translated it? [UI] English...

8 translate... Mohammad who?

9 CI:1: Mohammad. Mur... Mur... Murduk... the  
10 third.

11 MOAYAD: That=s a Pakistani, right?

12 CI:1: Yes.

13 MOAYAD: It's Pakistani, this print is an excellent  
14 print.

15 MOAYAD: That's by Mohammed, Mohammed Khurda  
16 'Ali, they call him.

17 CI:1: Yes.

18 MOAYAD: He's an excellent elucidator and the  
19 explanation is accurate.

20 MOAYAD: Thank God. When I was there I would  
21 double-check their translation.

22 CI:1: Yes.

23 MOAYAD: Each one would come to me to ask me my  
24 opinion of the Quranic verse, if the translation is correct,  
25 and that is why it is fine.

1                   CI:1:     He says that this is a present to him from  
2 his sheikh after he converted to Islam.

3                   MOAYAD:    God is great. This is a good translation,  
4 God willing. In the name of Allah! Most merciful and  
5 compassionate. May Allah's blessings and mercy be bestowed on  
6 our prophet and master Mohammed, I seek Allah's protection  
7 from Satan, we ask you dear God, for you are capable of  
8 everything. You are to be glorified and honored.

9                   ZAYED:     Amen.

10                  MOAYAD:    Oh! God! Oh! God! Oh! God! Bless our work  
11 and let us do it for your sake.

12                  ZAYED:     Amen.

13                  MOAYAD:    Bless our work dear God, and let us offer  
14 it to you. God forgive us our sins, and facilitate things for  
15 us, open the doors of bounty for us.

16                  ZAYED:     Amen.

17                  MOAYAD:    Have mercy on us and help us with the  
18 hardships, we are enduring, with the rest of the Muslims.

19                  ZAYED:     Amen.

20                  MOAYAD:    Lead us to heaven and protect us from the  
21 flames of hell.

22                  ZAYED:     Amen.

23                  MOAYAD:    Dear God as you gathered us in this place,  
24 please gather us in heaven. With your mercy, generosity and  
25 kindness for you are above all and everything. May God's

1       prayers, blessings and mercy be upon our prophet Mohammed.

2           ALL: Amen.

3           CI:1:       He said that he won't be able to pronounce  
4       the recitation from the Quran perfectly in Arabic, but he  
5       likes you to explain the meaning.

6           CI-2:       [Reciting from the Quran.] Bism Allah Al  
7       Rahman Al Rahim, I seek Allah's protection from Satan.

8           MOAYAD:    May God's mercy and prayers be bestowed on  
9       him.

10          CI-2:       Wa Allazin Qulli...Wa Allazin  
11       Qutillu-[TN:Those who were killed]

12          CI:1:       Wa Allazin Qutillu.

13          CI-2:       -Fee sabil Allah falyathin a=malahu [TN:  
14       For the sake of Allah, their work does not go in vain.]

15          MOAYAD:    Falinuzil a=malahum [TN:Their work will  
16       not go in vain, their work will not go in vain.]

17          MOAYAD:    It will be brought upon them....

18          CI:1:       He understands the explanation of this  
19       verse... that's ...a...a. so go ahead and explain it.

20          MOAYAD:    Okay. In the name of Allah most merciful  
21       and compassionate, God Almighty says that those who were  
22       killed for the sake of Allah! In other words, they are those  
23       who did Jihad, who had endurance and we ask God to count it  
24       for them in their balance of good deeds.

25          CI:1:       I am saying that you are double-checking

1 the translation of the same verse. Yes.

2 CI:1: He is saying that he started with this  
3 particular Quranic verse to show you what kind of work they  
4 are planning to do, which involves Jihad and the Mujahidins  
5 for the sake of God.

6 MOAYAD: Their work will never go in vain. "God  
7 will never let their efforts go in vain, for they will be  
8 rewarded."

9 MOAYAD: Surah Al Haj.[TN:Al Haj Surah is a  
10 chapter in the Quran]

11 CI-2: Al Haj surah: A Utin lilathin yuqtalune

12 MOAYAD: Yuqtalune [TN: Those who are killed].

13 CI-2: Yuqtalune bianahum [TN: Are killed as]

14 MOAYAD: Zulimu [TN: They were unjustly maligned]

15 CI-2: Zulimu wa anna Allah ala nassrihum  
16 laqadir [TN:To those against whom the war is made, permission  
17 is given (to fight), because they are wronged and verily Allah  
18 is most Powerful For their aid].

19 CI:1: Wa ilia Allah- [TN: And God].

20 MOAYAD: "To those against whom the war is made,  
21 permission is given (to fight), because they are wronged and  
22 verily Allah is most Powerful For their aid."

23 CI:1: He is most Powerful for their aid, yeah.

24 CI:1: He just gave the same explanation and same  
25 meaning yes.

1 MOAYAD: Yes.

2 CI:1: Suraht Ibrahim.

3 CI-2: Wa malana ala natawakal [TN : We must  
4 depend]

5 MOAYAD : Natawakal

6 CI-2 : -ala Allah waqad ha ha hadatna  
7 subulana[TN : On God since we decided which path we take.]

8 MOAYAD : Subulana [TN: Our path]

9 CI-2 : - wa lanasbirana [TN :We must remain  
10 patient].

11 MOAYAD : Wa linasbirana ala ma atytumunina. [TN :  
12 We must be patient and endure the hardship which was brought  
13 upon us by God]

14 CI-2 : Ala ma atuttumuna [TN : Brought upon us to  
15 endure]

16 MOAYAD: Ala ma Atytumunina. [TN:Brought upon us by  
17 God]

18 CI-2: Awa ala allah [TN : Upon God ]

19 MOAYAD : Wa Ala Allah B [TN: Upon God]

20 CI-2: Fa yatawakiline [TN: We depend].

21 MOAYAD: Fayatawakalune [TN: We depend]

22 ZAYED: Fayatawakalune. [TN: We depend]

23 CI-2: Fa ya ta wa ka lu ne [TN: We depend]

24 MOAYAD: Mutawakilune [TN: We are reliant]

25 CI-2: T a w a k i

1 ALL: Mutawakilune. [TN: We are reliant]

2 CI-2: Mutawakilune. [TN: We are reliant]

3 MOAYAD: Yes.

4 CI:1: He said we are always depending on God.

5 MOAYAD: "And on Allah we depend that if you are  
6 faithful."

7 CI:1: Here.

8 CI:1: Amm.

9 CI-2: Sadaq Allah Al Azim. [TN: Amen to God  
10 Almighty who truly spoke]

11 ALL: Sadaq Allah Al Azim.

12 CI:1: He says he started with God's word and he  
13 couldn't start with anything other than that because we're  
14 faithful Muslims and we depend on God and therefore as a  
15 Muslim it is my duty to help the oppressed Muslims, it is my  
16 duty to help the needy, and it is also my duty to perform  
17 Jihad Fi Sabil Allah [TN: For the sake of God]. That's why I  
18 started with the Quran, there's nothing else between us except  
19 God who is our fourth member, therefore we will depend on God  
20 and get into the main topic.

21 MOAYAD: In the name of God.

22 CI-2: Sala Allah Aliyhi wa Salam [TN: God=s  
23 peace, mercy and prayers be upon him].

24 ALL: Allah's peace and mercy be bestowed on him.

25 CI:1: He says from a Hadeeth of the prophet

1 Mohammed, Allah's peace and blessings upon him, about, about  
2 the support of the refugees and the needy for the sake of  
3 Allah, meaning to support the needy for the sake of Allah!

4 MOAYAD: This is one of the obligations; tell him,  
5 it's not out of our goodness; God says it's an obligation, not  
6 a voluntary act. It's an obligation and a duty on the part of  
7 each Muslim who wants to appease God.

8 CI:1: It is my duty as a Muslim and the duty of  
9 every Muslim to help other Muslims.

10 MOAYAD: And it is everybody's duty, all of us, to  
11 cooperate.

12 CI:1: He says that of course, everyone performs  
13 Jihad in his own way, your Jihad in Yemen for the sake of  
14 Allah, and he is also doing Jihad his way in the U.S.A, the  
15 goal is the same, we are all working for the sake of God.

16 MOAYAD: And that's why the prophet, peace be upon  
17 him, said: "Each one of you is covering a hole, Allah said  
18 that Islam comes from your direction". Let me repeat it,  
19 "each one of you is covering a hole" meaning a location for  
20 the protection of Islam. "Allah Allah; beware that Islam is  
21 not penetrated from your direction."

22 CI:1: He says that I'm always upfront in my work  
23 and I am always clear, and I know what needs to be done,  
24 meaning that he's been fighting the U.S. for a long time, when  
25 the blacks were discriminated against in the beginning of the

1 seventies, and since then they have been at war with the  
2 government to gain their freedom from slavery. But after  
3 becoming a Muslim, he says, I continued my work to defend  
4 Islam and Muslims against the U.S., their allies, and whoever  
5 helps the U.S. against the Muslims. That's why I wish to be  
6 clear on what I do and from your end with whatever you do,  
7 whether against your government or against others, that  
8 supports the U.S. against the Muslims, meaning that, that's my  
9 situation, and I believe, we're working in the same field.

10 MOAYAD: The same field. But tell him that the  
11 most important thing for the Muslims is to know and learn  
12 their religion. If they know their religion then they will  
13 emerge, because the Muslims are now ignorant of Islam.

14 Room service: Peace be upon you.

15 CI-2: Peace be upon you too.

16 MOAYAD: Hello, How are you?

17 Room service: Thank God.

18 MOAYAD: What country are you from?

19 Room service: I am from Tunisia.

20 MOAYAD: Welcome.

21 Room service: But my mother is Algerian.

22 MOAYAD: Welcome, God=s greetings.

23 Room service: Peace be upon you.

24 CI-2: Thank you. God bless you.

25 [Room service leaves]

1 CI:1: Do you want to eat now?

2 ZAYED: After, after.

3 CI:1: Dar Al Salam

4 CI:1: Do you know of a man named Sheikh Jilani?

5 Or do you know Dar places like Dar Al Salam?

6 MOAYAD: There are a lot of Jilani's.. there is a  
7 Jilani who is Sufi, known by his books. And there's a Jilani  
8 in Pakistan.

9 MOAYAD: He's one of the Sunni scholars.

10 CI:1: Yes.

11 CI:1: He is saying that sheikh Jilani, or those  
12 who are in Pakistan, are the same people who trained my  
13 friends.

14 ZAYED: Glory to God!

15 CI:1: Yes.

16 CI:1: The picture he showed you last night, the  
17 small ones, most of the people in it, of course it's an old  
18 picture, they are all volunteers now, they were taught and  
19 trained by sheikh Jilani in Pakistan.

20 MOAYAD: Salafia [laugh]

21 CI:1: Salafia.

22 CI:2: The Salafi, Sunat Al Salaf Al Salih [TN:  
23 The worthy ancestors]. Al Jihad Al Akbar. [TN: The greater  
24 Jihad]

25 CI:1: Accompanying him are the other young men

1 who are preparing for Jihad for the sake of God and for  
2 training. They want to be trained more to be ready to be  
3 Mujahidins for the sake of Allah.

4 MOAYAD: God help them, God help them.

5 CI:1: We ask God to make us all happy-

6 MOAYAD: - All of us, through martyrdom.

7 CI:1: Through martyrdom if God is willing.

8 CI:1: We ask God that Arafat and his followers  
9 bless their efforts against the Jews who expelled the Muslims.  
10 And we ask God to protect sheikh Bin Laden and help him, God  
11 willing, with what he's going through. The only thing we could  
12 do is to pray to God to make him successful.

13 MOAYAD: We ask God for that, we ask God for that.  
14 We also say that when a Muslim knows how to pray, where to  
15 start from,... the prophet, peace be upon him, stayed in Mecca  
16 for 13 years teaching people: "There is no God but Allah" (the  
17 oneness of Allah). After he made sure that there are enough  
18 followers and they can hear the call for prayer, only then did  
19 he move to other laws.

20 CI-2: Mm.

21 CI:1: -Ah, but he said Al Nabi Sala Allah Aliyhi  
22 wa Salam [TN: The prophet may God's peace be upon him] was in  
23 Mecca, in Medina, thirteen years teaching the people: ALa Ilah  
24 Il a Allah [TN:There is no God but Allah, there is no God but  
25 Allah.] Just to make the (UI) to know what's Islam, to make

1 them pray for others.

2 MOAYAD: This is one thing, the other thing is that  
3 Muslims must unite in their word first.

4 MOAYAD: This is number one. Number two: They must  
5 cooperate until they learn, I mean until Muslims learn the  
6 basics of their own religion.

7 MOAYAD: I believe that these are among the basics.

8 CI:1: He says that the Muhajireen (emigrants)  
9 that were followers to the prophet were oppressed, so they  
10 immigrated.

11 MOAYAD: And were patient.

12 CI-2: Sabra, yes Sabra, [TN: Patience] tell him  
13 I understand the Sabra and I believe that Allah blessed me  
14 with Sabra [TN: Patience].

15 CI:1: He said: "I always depend on Allah and I'm  
16 always patient."

17 MOAYAD: And that's the right thing.

18 CI:1: He says that... of course, I talked a  
19 great deal about you and about sheikh Mohammed for the many  
20 things that you have accomplished.... such as your support of  
21 Afghanistan with lots of money, as well as your support-

22 MOAYAD: Me and him were

23 CI:1: -to Bin Laden.

24 MOAYAD: Bin Laden. [Chuckles]. Tell him, that I  
25 sat with him-

1 CI:1: With whom.

2 MOAYAD: Bin Laden.

3 CI:1: Oh!, with money?

4 MOAYAD: Yes, financially yes, and I sat with him  
5 like now, we talked and chatted like normal people.

6 MOAYAD: I am more knowledgeable than him in the  
7 Islamic Law.

8 CI:1: Excuse me?

9 MOAYAD: I am more aware than Usama with the Ulum  
10 Al Sharia [TN; Islamic Laws], and I used to teach him some of  
11 the Islamic Laws.

12 MOAYAD: He called me "His Sheikh". He used to say  
13 that I'm his sheikh.

14 CI-2: Allah Akba, Allah Akbar [TN: God is great!  
15 God is great!]

16 MOAYAD: I just wanted him to know that I sat with  
17 him. But, I sat with him before all these crises happened. A  
18 long time ago.

19 CI:1: Yes

20 ZAYED: In the eighties, the eighties.

21 CI:1: It was before the crises.

22 ZAYED: In the eighties, in the eighties.

23 CI:1: Prior to the latest incidents.

24 ZAYED: In the eighties, in the eighties.

25 MOAYAD: Back in the days of Afghanistan.

1 ZAYED: The eighties.

2 MOAYAD: With the Russians.

3 CI:1: He is saying that he was extremely proud  
4 to have people from the Mujahidins in Afghanistan, they were  
5 supporting and they still are supporting Sheikh Abd Al Rahman  
6 Omar's attorneys.

7 MOAYAD: Omar Abd Al Rahman.

8 CI:1: Yes, Dr. Omar Abd Al Rahman, he was, of  
9 course, among many who supported those brothers in order to  
10 fulfill their duties. Therefore he is proud of that, he also  
11 said-

12 ZAYED: Take our picture with him.

13 CI:1: Huh?

14 ZAYED: Take our picture with him.

15 CI:1: Sure, God willing. And he also said that  
16 he is always in touch with his lawyers-

17 MOAYAD: Uhum.

18 CI:1: -in order to make his sentence much  
19 lighter.

20 MOAYAD: God willing.

21 MOAYAD: Omar Abd Al Rahman.

22 CI:1: Sheikh Omar Abd Al Rahman, yeah.

23 CI:1: Have you met him sheikh?

24 MOAYAD: -one time in Mecca, a long time ago.

25 CI:1: He says that he is very comfortable that

1 the goal and the intent are the same. He will tell you the  
2 names of the people he did Jihad with, and whom he supported.

3 MOAYAD: God willing, we ask for God's approval.  
4 And I tell him for the second time now, he should not mention  
5 his good deeds so God could reward him for it.

6 CI:1: He says: "I'm very careful, very careful  
7 to the extent that even my closest friends don't know what I  
8 do, on my private matters at all, at all." I said to him that  
9 even your very very close friends , even families they don't  
10 know.

11 CI:1: They don't know.

12 CI:1: He says even his wife doesn't know what he  
13 does or his secrets.

14 CI:1: He says that no one knows about this,  
15 except for the people on the straight path, and whom he knows  
16 and he sends them to run errands. And even they don't know his  
17 secrets. He sends them on certain missions and they don't  
18 even know each other.

19 ...Surat Al Mustaqim, [TN: Those who are on the  
20 straight path]

21 CI:1: They don't know anything at all. Each one  
22 is on his own mission.

23 MOAYAD: Tell him that about two months ago I was  
24 with Y ah, the Hamas guy,

25 ZAYED: Who? Who?

1 MOAYAD: This brother of ours, whose name is...

2 ZAYED: Khaled Mesh'al.

3 MOAYAD: Khaled Mesh'al.

4 CI:1: Ah.

5 MOAYAD: I sat with him, and we are always in

6 contact. He calls me and I call him, and we exchange visits.

7 CI:1: What's his name?

8 MOAYAD: Khaled Mesh'al.

9 ZAYED: Khaled Mesh'al.

10 CI:1: He used to come to visit you in Yemen?

11 MOAYAD: I met him in Syria.

12 MOAYAD: And he visited me in Yemen.

13 ZAYED: Abu Yassin

14 CI:1: No.

15 CI:1: Abu Marzouq.

16 ZAYED: Abu Marzouq.

17 ZAYED: Abu Marzouq.

18 MOAYAD: Yes, but this one is ranked higher than

19 him.

20 CI:1: No, no he's only mentioning this guy

21 because he got to know him while in prison in the USA, Abu

22 Marzouq, and he got to know him in prison.

23 MOAYAD: I know him.

24 MOAYAD: Yes.

25 CI:1: He know him.

1 MOAYAD: As well as Khaled Mesh'al too, he taught  
2 me a lot.

3 CI:1: He said that he [Abu Marzouq] may God  
4 reward him, has taught me [Moayad] a lot about the Call and  
5 guided me about many things on supporting Hamas.

6 CI:1: He says that he's been supporting them for  
7 more than two years now with lots of money, and they support  
8 him with the men that he selects for training.

9 MOAYAD: (UI) [laughs]

10 CI:1: Regarding Abu Marzouq, who did not want to  
11 be noticed, he says that they used to communicate through a  
12 middle man, an Egyptian but this Egyptian disappeared, no one  
13 knows where he is.

14 MOAYAD: He could have been arrested.

15 CI:1: And that's why my communications with Abu  
16 Marzouq stopped. I can't trust anyone to continue supporting  
17 him and Hamas in matters with which he could not trust  
18 anyone.

19 MOAYAD: We ask God to help.

20 CI:1: He also is saying that he gave this  
21 Egyptian, Aalib, a very large sum of money, in order to  
22 accomplish a real big operation that you are aware of, to give  
23 to Abu Marzouq, but he did not. And that's probably why he  
24 disappeared and that's why he's careful in giving.

25 MOAYAD: We have to give him the benefit of the

1 doubt. Give him the benefit of the doubt. He could've been  
2 arrested.

3 CI:1: Yes.

4 MOAYAD: -died or been imprisoned

5 CI:1: Do you know someone called Bilal Philips?

6 CI:1: He was a sheikh who had the Quran  
7 memorized? He made television appearances.

8 CI:1: Suraht Al Baqarraah

9 CI-2: Suraht Al Baqarraah

10 CI:1: He says that he wants to give you names of  
11 people he helped indirectly, they were people who had the  
12 Quran memorized. They were Imams in Mecca. But what he  
13 noticed is that they're all talk and no action, they say  
14 something and do something else. He forgot about that money  
15 that he gave for the sake of God, but he's saying this because  
16 he wants to give you an idea to why he's very cautious.  
17 Because even though the money was for god's sake, he learned a  
18 lot from that. "The Muslim does not get bitten by a snake  
19 twice"

20 MOAYAD: The goal is to please God almighty.

21 That's the basic premise.

22 CI-2: Mm!

23 MOAYAD: Second, God willing, he already registered  
24 your good deed. And the other will carry the responsibility  
25 of his actions. He will be rewarded and the other will be

1 held responsible in front of God.

2 CI:1: He says that Imam Siraj, he's an Imam of a  
3 mosque in the U.S., he said they asked me to participate in  
4 building a mosque, he said that since 1996 he gave them a lot  
5 of money, but until now there's no mosque. That makes me  
6 angry, but I'm still waiting to see it happen. He said that I  
7 gave something to build the mosque and from 1996 until now  
8 they didn't build it. They haven't shown that they have  
9 started building a mosque where I can go pray to God.

10 MOAYAD: The prophet, peace be upon him, tells us a  
11 story about a person before our time. That person wanted to  
12 give money as charity to others, so he left his home the first  
13 night where he met a man. So he gave the money only to find  
14 out that he's a thief. The second night he met a lady. So he  
15 gave her the money, only to find out that she's an adulteress.  
16 The third night he ended up giving his money to another man  
17 only to find out that he's a rich man. So the person got  
18 angry. But God told the prophet to let him know that his  
19 charity has been accepted and that the adulteress he gave his  
20 money to has repented, the thief has changed his ways, and the  
21 rich man came to his senses.

22 ZAYED: No.

23 ZAYED: I am worried about the telephone, which is  
24 next to him.

25 MOAYAD: It is far from here.

1 ZAYED: Is this phone far enough away?

2 CI:1: It's far, there's nothing to worry  
3 about.CI:1: He says that he's done his investigations and  
4 checked the rooms completely before our meeting, and when he  
5 was coming here he was careful every minute to check...

6 CI:1: He says rest assured there's nothing to  
7 worry about.

8 CI:1: He says...

9 ZAYED: [Zayed points to his hip] and asks: Pager?

10 ZAYED: So it is not a -?

11 CI:1: This is from America.

12 ZAYED: There's nothing in it...

13 CI:1: He says don't worry. It's only to tell  
14 the local time. So don't worry.

15 CI:1: He says it's on U.S. time so he knows when  
16 his wife will call him.

17 CI:1: He says I'm very careful.

18 MOAYAD: Tell him that God told the prophet that he  
19 accepted his charity.

20 MOAYAD: So he can be comfortable with what he did.  
21 God is the final judge.

22 MOAYAD: We offer our lives for the sake of Islam.

23 MOAYAD: And whatever we are doing now is for the  
24 sake of Allah!

25 CI:1: The question is to you both, what can I

1 offer you to do for the sake of Allah and what can you offer  
2 me for the sake of Allah? Whatever you see?

3 MOAYAD: Uhhh!! I want five things.

4 ZAYED: [UI]

5 MOAYAD: The first one is to teach people their  
6 religion as much as we can. And it is not an easy mission, it  
7 is important and difficult.

8 CI:1: Yes.

9 MOAYAD: The second is to work on uniting the  
10 people, the unity of the Muslims this is the second. The  
11 third is to raise young men in a manner that God approves of.  
12 These are three of them.

13 CI:1: Start over, one by one and I'll explain it  
14 to him.

15 MOAYAD: Okay. You tell him.

16 ZAYED: The first one is to raise the young men.

17 CI:1: Mm.

18 MOAYAD: Leave that one for later. The first is to  
19 teach the religion.

20 ZAYED: People are ignorant of the religion, even  
21 in the Islamic countries.

22 CI:1: Yes, I told him that.

23 MOAYAD: That's one. The second is to try to unite  
24 the word of all the Muslims so they all can be in the face of  
25 the enemy.

1 CI:1: Who's the enemy you're referring to?

2 Enemy of Islam?

3 MOAYAD: Enemy of Islam. (Laughs)

4 MOAYAD: -and it's sufficient to take the prophet's  
5 way of life as an example for us to do the same.

6 MOAYAD: Okay? After that, the consequences are not  
7 up to us, our role is, as God said: "To do" and are up to God,  
8 and victory is from Him only -

9 MOAYAD: God says in the Quran, "what have you  
10 done?" Not what have you succeeded in.

11 CI:1: Like you said God asks who is your God and  
12 such-

13 MOAYAD: God says in the Quran, "this is heaven for  
14 you to inherit because with what you have done".

15 ZAYED: This is heaven.

16 MOAYAD: "This is heaven for you to inherit because  
17 with what you have done" not because of what you have  
18 succeeded in.

19 MOAYAD: That's the third thing. The fourth  
20 matter, God willing, the fourth matter, is to try to help the  
21 Youth who are in need, who go astray because they can't make a  
22 living.

23 CI:1. ... through education, and?

24 MOAYAD: Supporting him, teaching him, raising him  
25 well.

1           ZAYED:    The issue of social solidarity, a big  
2 problem that was mentioned in Hadith.

3           MOAYAD:   The last and fifth thing is that  
4 everything we do is for God's sake.

5           CI:1:      He says now we have to go into details of  
6 the Islamic work.

7           MOAYAD:   In the name of Allah.

8           CI:1:      The details of the work um...

9           MOAYAD:   Islamic.

10          CI:1:     No, not the five things you mentioned, but  
11 the details of the work that we will do-- that the whole group  
12 will do, God willing.

13          MOAYAD:   The first thing is the charitable bakery.

14          ZAYED:     [UI]

15          CI:1:      [UI]

16          MOAYAD:   The charity bakery, we don't want to  
17 burden him with some of this work's details.

18          CI:1:      Do you mind him writing down what we  
19 talked about?

20          MOAYAD:   No at all, go ahead.

21          CI:1:      Regarding the bakery and the other things  
22 that he will be supporting.

23          ZAYED:     [UI]

24          MOAYAD:   Let me -

25          CI:1:      That is umm..

1                   MOAYAD: The first thing is that everything we do  
2 is for God's sake.

3                   MOAYAD: Oh, regarding my charitable work?

4                   CI:1: Yes.

5                   MOAYAD: Okay, the bakery, the charitable bakery.

6                   MOAYAD: The second is to take a group of young men  
7 and a group of religious scholars to teach the young men under  
8 our supervision and we'll pay their salaries.

9                   MOAYAD: Tell him the scholars.

10                  CI:1: Yes all the same, Ulema'

11                  CI:1: Yeah. Religious scholars, who can teach,  
12 make Fatwa(s) and know everything about the religion.

13                  MOAYAD: In order to raise a generation that knows  
14 the religion as much as they do.

15                  MOAYAD: The third is sponsoring students, the ones  
16 that we will teach. Some of them are very intelligent, and  
17 want to memorize [the Quran] but they don't have enough to eat  
18 or to live.

19                  MOAYAD: That's the third thing.

20                  CI:1: Yateem

21                  MOAYAD: The next point is the Muslim woman.

22                  MOAYAD: She needs to know her religion, and to  
23 learn a trade.

24                  CI:1: The things that the woman needs, like  
25 sewing clothes and such...

1 MOAYAD: First is teaching her the religion.

2 CI:1: That's what he said, teach her her  
3 religion.

4 MOAYAD: She should learn her religion then learn a  
5 trade.

6 CI:1: He says after that she can learn to sew  
7 clothes and...

8 MOAYAD: Taking care of her home,

9 MOAYAD: -home economics, she should learn  
10 medicine-

11 MOAYAD: - there are a lot of trades.

12 CI:1: We'll make it in brackets as Madrasa. He  
13 says that all of this can be put under the category of  
14 establishing a school. This is the category he'll be using,  
15 which includes everything, the students, the scholars  
16 teaching, so that part of the budget will be for the school,  
17 it will include the Ulema', the students, the orphans, the  
18 women, teaching the women a craft -

19 MOAYAD: No, what you mean the women...The salaries  
20 of the women's teachers.

21 CI:1: This includes everything This is how he is  
22 going to name it a school.

23 CI:1: He says that during the SaHaba [TN: The  
24 companions of the prophet] it was all a school of the prophet.  
25 Allah's peace, mercy and blessings were upon him that from

1 that other things were derived. Each one of them knew what he  
2 had to do.

3 MOAYAD: And from it, men graduated, and each one  
4 went into a different field.

5 CI:1: What he means is that this is the school  
6 and it will graduate different people doing different things.

7 MOAYAD: Regarding these matters. We have a few  
8 points that are a little off the subject, such as sponsoring  
9 the families of the people who are either in prisons or have  
10 been martyrs.

11 CI:1: He said as well as the prisoners'  
12 families-

13 MOAYAD: And the martyrs.

14 CI:1: -the martyrs, and he also said the  
15 prisoners themselves, they need support.

16 CI:1: They are also in need of assistance.

17 CI:1: He is saying he will regard this as his  
18 word of oath. Regarding the school he has no objection of  
19 financing it. While the last issue, is the one, which actually  
20 needs which is the families of-

21 MOAYAD: -of the prisoners and the martyrs.

22 CI:1: -and the prisoners and how we could  
23 participate in it.

24 CI:1: Now he is asking what do you think of the  
25 money that should be given to the prisoners families? Other

1 than the school because the school is-

2 MOAYAD: Yes, this a separate issue. Because there  
3 are so many youth who died as martyrs, and others are not  
4 found, their women come to us.

5 CI:1: The people who died in Afghanistan?

6 MOAYAD: Yes, in Afghanistan and other places, and  
7 here where we are as well.

8 CI:1: In Chechnya? -

9 MOAYAD: Whoever we find out that has become a  
10 martyr; we try to set aside an amount of money for his  
11 family.

12 CI:1: He says of course, that regarding the  
13 families of the martyrs and prisoners, he doesn't want to know  
14 the families' numbers and information since you know more  
15 about this anyway. What he wants to know is where the money  
16 he will provide will be spent.

17 MOAYAD: God willing. There's one point to  
18 mention, some of the prisoners that have been released don't  
19 have any salary coming in.

20 CI-2: Uhum.

21 CI:1: Sheik Mohammad...

22 CI:1: Yes. He says regarding the people who are  
23 apprehended, as you requested, he says he's doing the same  
24 thing. He's in the U.S. supporting the families.

25 MOAYAD: In America.

1                   CI:1:     In America, he supports the families of  
2 the apprehended and he also supports the people who have been  
3 released from prisons there, because it's hard for them to  
4 find jobs and that's why he supports them. He says look that  
5 is my mission, as a businessman, I am doing my best to collect  
6 large sums of money fi sabil Allah. But, he says that my  
7 efforts are divided into several categories, for example, if I  
8 give sheik Mohammad \$500,000, here's \$500,000, spend \$100,000  
9 for the bakery, \$100,000 for the school, and so on. The rest  
10 of it and what he wishes for the rest of the money is to  
11 support the Mujahideen against the bigger satan, he is  
12 referring here to America as the bigger satan, and against the  
13 Israelis, against any government against Islam and that tries  
14 to oppress Islam who are killing Muslims and their women on a  
15 daily basis. Therefore, he doesn't mind if part of the money  
16 goes to these things, but he wants the second part of the  
17 money to go to the support the training of our men and the  
18 Muslim men so that they can be sent, in God's name, against  
19 any enemy of Islam, to support them with weapons to buy, with  
20 equipment, with financial support that a Mujahid needs. You  
21 tell the Mujahid to go into Jihad, if he doesn't have the  
22 capabilities to go into Jihad then he will not. He says, I  
23 want to sleep with a clear conscience, that I gave part of the  
24 money for God's sake, to help the people in their daily living  
25 and such, and in addition my conscience will be clear that I

1 gave the Mujahid what he needs in order to do Jihad fi sabil  
2 Allah. He says now what we need to agree on with sheik  
3 Mohammad, I don't mind supporting these things, but I'd like  
4 them to help me on how to support the Mujahidin who need  
5 weapons, who need equipment for communications and such, and  
6 need training in any country. That's what I want to work with  
7 sheik Mohammad on. And in return for my support to make his  
8 wishes come true, I want his support to make my wishes come  
9 true. What do you think about this?

10 MOAYAD: Let me tell you that I want to be honest  
11 with you. "To the faithful ones Fear God and be patient". We  
12 can't say "yes, yes" to what you're asking then lie to you.  
13 It's not right. And it is also not right to say "no, no"  
14 which may cause him to be discouraged, and that is a sin.

15 CI:1: Yes.

16 MOAYAD: I will work, in sha Allah, in sha Allah  
17 [TN:God willing, God willing,] in these fields, as they are my  
18 fields with God's permission.

19 MOAYAD: The situation with us, and he is aware of  
20 it like he mentioned yesterday, the arrests and so and so, we  
21 must tread carefully.

22 MOAYAD: It is possible in Palestine.

23 CI:1: He is saying he does not mean only Yemen  
24 - Is it possible to train people in Palestine or in Beirut?

25 MOAYAD: In Palestine, it's possible. Regarding

1 training in Palestine, I am in touch with Hamas and I will  
2 arrange things with them and with you, God willing, I'll  
3 coordinate things with them to meet his needs.

4 ZAYED: We have Hamas, they are with us, as well  
5 as Al Jamiya

6 ZAYED: The sheikh is the supervisor of the  
7 charity organization, The Holy Aqsa Mosque.

8 CI:1: He says, that's very good. Do you believe  
9 or have any idea what they may need or are they planning  
10 things in which we can support them, in Palestine, for  
11 example, is there something specific they need there?

12 MOAYAD: Yes, each time Hamas is active and doing  
13 something-

14 CI:1: Yes.

15 MOAYAD: I'm in constant communication with them.

16 CI:1: He says, of course you know that the world  
17 trade center, the old one, not now; He knew what was going to  
18 happen because he was the one that provided support. Did you  
19 have any idea of what was going to happen in the U.S.

20 CI:1: (UI)

21 MOAYAD: As much as I know...

22 CI:1: He also says, is it possible to send some  
23 of my Mujahidin friends for training through Hamas?

24 MOAYAD: I will talk to them.

25 MOAYAD: (UI)

1                   CI:1:     No, he's asking if I had a ten Dollar  
2 bill, he wanted to show you a drawing [UI] on the ten dollar  
3 bill if he folds it a certain way you can see the World Trade  
4 Center burning.

5                   MOAYAD: Tell him this was on the computer long  
6 time ago.

7                   CI:1:     Where?

8                   MOAYAD: On the computer.

9                   CI:1:     If that was the same thing.

10                  MOAYAD: It's the same. [UI]

11                  [ZAYED: It's in the fridge.]

12                  CI:1:     Glory be to Allah! He said that when  
13 people see that they were amazed.

14                  MOAYAD: This was in the computer a long time ago.  
15 Tell him that.

16                  ZAYED: Do you want some water? There is sparkling  
17 water.

18                  MOAYAD: No, no I don't want sparkling water.

19                  ZAYED: Hamas (UI)

20                  ZAYED: We have to deal with them.

21                  MOAYAD: We must.

22                  ZAYED: He will ask you to send papers. He would  
23 visit Yemen, I will send them from where I am at.

24                  MOAYAD: He will visit Yemen, or I call him.

25                  ZAYED: I mean within five to six months we'll

1 visit, visit and uh -  
2 CI:1: (UI)  
3 ZAYED: Training of the youth.  
4 MOAYAD: (UI) internet (UI)  
5 ZAYED: Abu Usama? What is he?  
6 MOAYAD: The front.  
7 ZAYED: (UI)  
8 MOAYAD: May God be generous to you.  
9 CI:1: I adjusted it, it is neither warm nor  
10 cold.  
11 MOAYAD: Water is enough, no Pepsi or other like  
12 that.  
13 ZAYED: I like sparkling water, I-  
14 MOAYAD: Without sugar? Water and gas.  
15 CI:1: Mohammad this is the first time [UI]  
16 MOAYAD: He's never drunk this in his lifetime or  
17 his father's lifetime [laugh]  
18 ZAYED: That's right.  
19 CI:1: You don't know... he says that he wants  
20 to... he said: I, I don't mind giving them any sum of money  
21 for the bakery and such, but as long as they -  
22 ZAYED: And we do our best.  
23 CI:1: He has other sources in other countries.  
24 MOAYAD: He considers Jihad his cause.  
25 CI:1: That's it.

1                   ZAYED:    And we'll do what we can, if we can't then  
2 do not promise.

3                   MOAYAD:    We have someone in the Hamas office, and  
4 we pay him.

5                   CI:1:      Yes.

6                   MOAYAD:    And they trust me and I trust them.

7                   CI:1:      Good.

8                   MOAYAD:    And I can't... if we need something from  
9 them I tell them I need people that wouldn't say no.

10                  CI:1:     Yes.

11                  ZAYED:    Because the sheikh is the supervisor of Al  
12 Aqsa organization.

13                  MOAYAD:    -because I am the overseeing committee of  
14 Al Aqsa mosque. I am [UI] the chief of the overseeing  
15 committee.

16                  CI:1:     Yes.

17                  ZAYED:    Meaning he watches over what they do. And  
18 he is the president of the organization.

19                  CI:1:     Yes, and Hamas?

20                  MOAYAD:    And Hamas has supervision authority in it.

21                  CI:1:     You supervise them.

22                  MOAYAD:    Yes, I mean Hamas, I know them very well,  
23 and we can't join them directly, since it is strictly  
24 Palestinian.

25                  CI:1:     Yes.

1 MOAYAD: And the ones responsible for them are  
2 Palestinians. They show me great respect and we know each  
3 other and such.

4 CI:1: And Al Aqsa organization -

5 MOAYAD: Inside of Palestine.

6 CI:1: Inside of Palestine! Those who do Jihad  
7 and providing aid and such.

8 MOAYAD: [Laugh]. They take care of the children.  
9 Providing shelter for the orphans and taking care of the women  
10 of the Mujahidins.

11 ZAYED: The sheikh had visited them. Thank you [to  
12 CI-1]

13 MOAYAD: I visited him in Jordan and in Lebanon,  
14 several times. We have a good relationship. So let's be  
15 honest and talk about the things [UI]

16 CI:1: He says that I fully trust sheikh  
17 Mohammad, after trusting in God. I hope they trust me that I  
18 am a Mujahid fi sabil Allah, and if I were asked right now to  
19 become a fida'i and to fight the enemy...

20 MOAYAD: We're there before him.

21 CI:1: -I will be the first, God willing.

22 CI:1: He says of course he's honored that he got  
23 the chance to meet you. The money he has with him, of course  
24 he's the one who's responsible for it, of course, but similar  
25 to your situation, it's for his organization, and he's the one

1 responsible for it. They have specific things they want to  
2 spend the money on, but in case we don't meet again soon, he's  
3 asking for a way for him to trust someone else to give money  
4 to, in case we don't meet again, God knows what will happen.  
5 So he's asking if you have any connections where he can  
6 identify himself as from your side then he's given the money  
7 and such.

8 MOAYAD: First, I wish to talk about 3 things.  
9 That our meeting is based on honesty, and secrecy and God is  
10 our observer.

11

12 MOAYAD: Which means, we have to all put our hands  
13 on the Quran.

14 CI-2: AL Hamdu Li Allah

15 CI:1: In the name of Allah we thank God and we  
16 take the oath on the glorious Quran.

17 MOAYAD: And with God's help we won't let each  
18 other down and we will not lie.

19 MOAYAD: All of us.

20 CI-2: Yes.

21 MOAYAD: Huh?

22 CI:1: Yes.

23 MOAYAD: [Laughs] last word.

24 CI:1: Yes.

25 MOAYAD: Second, we will do our best effort, and if

1 we die, he has to forgive us.

2 ZAYED: Quietly.

3 CI:1: He says if you die, it's time to forgive  
4 everyone, but who will come and tell me, hey so and so-

5 MOAYAD: It's with God. Forgiveness is with God.  
6 Not with people.

7 CI:1: He says he won't deal with anyone because,  
8 that's it.

9 MOAYAD: No, no. Forgive us in front of God.

10 CI-2: Ma Sha' Allah! [TN: Glory be to God].

11 MOAYAD: That is the second thing is to forgive one  
12 another.

13 ZAYED: This subject needs composure.

14 CI:1: Huh?

15 ZAYED: This subject needs quietness.

16 MOAYAD: We want to go to heaven, and he wants to  
17 go to heaven.

18 MOAYAD: That's the second thing, and I hope we pay  
19 attention to it. The first is keeping a secret.

20 MOAYAD: The second is to forgive each other and  
21 we'll do our best, as much as possible.

22 MOAYAD: The third is to support us, because we  
23 personally don't have money for ourselves, and for our  
24 children, so he has to help us so we don't take from this.

25 CI:1: And that's why, he says, everything has to

1 be clear. Everything that's about providing personal support  
2 and family and such, is between you and God then me, that part  
3 of the money is separate. The amount that he'll assign to  
4 you, the other thing is that the same way we used to support  
5 Bin Laden and others with money we knew what was given to them  
6 and what was spent on equipment and such and who was honest  
7 and who was stealing money from the orphans and such.

8 MOAYAD: I am authorized, authorized to spend it  
9 where I see fit?

10 CI:1: He says, now, regarding the money that  
11 he'll give you, there's a portion of it for you to spend as  
12 you see fit, that's up to you. As for the rest, how will he  
13 know how that money will be spent? What things will be  
14 bought?

15 MOAYAD: God willing, I'll organize things with our  
16 brothers in Hamas-

17 CI:1: Yes.

18 MOAYAD: -and I shall visit them specifically about  
19 this, and I will ask: I want to put this and this, and I'll  
20 plan with them.

21 MOAYAD: That's with regard to Palestine. As for  
22 Yemen, I'll get in touch with some of the young men that I  
23 worked with before, and ask them about the needs of people in  
24 prisons and out of prison and their families' need, and relay  
25 that information to him.

1                   CI:1:     He says that he would like to support the  
2 people that were arrested in Afghanistan, the Yemeni brothers  
3 who are in Guantanamo. He says if there is anyone you know,  
4 well known people as he told you...they can support the  
5 lawyers.

6                   MOAYAD:   They will send them back to Yemen...now.

7                   CI:1:     Yes.

8                   MOAYAD:   They will send them back to Yemen soon.  
9 And there's a time and place for each conversation.

10                  CI:1:     He says if you need any help with anything  
11 regarding providing lawyers and advice...

12                  MOAYAD:   We have lawyers.

13                  CI:1:     We're willing and ready to help...

14                  MOAYAD:   There's a lawyer with the brothers, we  
15 will pay their families...the families are to go to court and  
16 initiate lawsuits through the lawyers whom were hired by us.

17                  CI:1:     Regarding the U.S. do you know any  
18 brother there that's imprisoned there?

19                  MOAYAD:   I'll ask.

20                  CI:1:     He says that we can help get them out...

21                  MOAYAD:   We'll ask, we'll ask, there's no need to  
22 rush, let's be truthful.

23                  CI:1:     He is saying ...he went back to the issue  
24 of-

25                  MOAYAD:   The money."

1 (Reading interrupted.)

2

3

4 MR. JACOBS: Your Honor, one of the jurors --

5 A JUROR: It is that time of morning, I need to go  
6 to the bathroom.

7 THE COURT: Is that for everybody or just you?

8 A JUROR: It happens to me.

9 MR. GOODMAN: Your Honor.

10 THE COURT: Okay, five minutes, ladies and  
11 gentlemen.

12 (Jury leaves courtroom.)

13 (Recess taken.)

14

15 THE COURT: Ready?

16 (Jury enters courtroom.)

17 THE COURT: Go ahead.

18 MR. KNOX: Picking up on the top of page 52, T-4.

19

20

21

22

23

24

25

1                   "CI:1: -the money, regarding the financial  
2 support that you need. Of course you will make a special  
3 visit to Hamas to first coordinate things.

4                   MOAYAD: No, regarding the last point, the last  
5 point, I can visit Hamas and present them...

6                   CI:1: Yes.

7                   MOAYAD: Which I will arrange with them, if God is  
8 willing, before he's able to provide support in that area.  
9 And in Yemen we have good information regarding what they need  
10 in Palestine, it is done through Hamas. Hamas studies which I  
11 have to get it and study it and prepare it and so, etc

12                  CI:1: Yes.

13                  MOAYAD: Some of the things that are available, we  
14 can buy from the inside of the country.

15                  CI:1: From Yemen.

16                  MOAYAD: From inside Palestine, we buy it-

17                  CI:1: From inside Palestine?

18                  MOAYAD: The sum of money is assigned to such and  
19 such.

20                  CI:1: Yes.

21                  MOAYAD: -we can buy it from Palestine and tell  
22 them that it must be used for so and so. Buy the things that  
23 they think are important. And in this case, this is a  
24 different case, we'll do our best, and God willing, a large  
25 sum of money will be allotted for this-

1 CI:1: God willing.

2 MOAYAD: -but regarding the first point, God  
3 willing, all will go well. What's left is the topic regarding  
4 the families and the young men we have, we need to pay for  
5 them to raise their self esteem and make men out of them, this  
6 is close to me.

7 CI:1: No this is in the first point, there's  
8 no...

9 MOAYAD: I mean for the prisoners and so.

10 CI:1: No, no, no the first is what he put under  
11 the school category.

12 ZAYED: That's the prisoners.

13 CI:1: The prisoners, yes.

14 MOAYAD: The prisoners, the families of the  
15 martyrs, the families of the prisoners, the apprehended  
16 themselves, the lawyers and so and so, this will be a heavy  
17 burden.

18 CI:1: Yes.

19 ZAYED: And the young men who are raising future  
20 generations.

21 MOAYAD: There are men raising future generations.

22 ZAYED: Those young men who are raising  
23 generations, can't feed their families or make a living.

24 MOAYAD: That will be included as part of the  
25 school category.

1 CI:1: That's included in the school category.  
2 CI:1: In addition, he says that he'd like to  
3 personally know if there are Hamas people in New York, since  
4 they are distant from the organization, as you know. If there  
5 are people who need support, young men, Mujahidin, he calls  
6 them God's soldiers. He says that he doesn't mind supporting  
7 those people inside the U.S.A.

8 MOAYAD: Let us be organized, and we'll talk about  
9 this in its proper time. I'll ask the people we have in Yemen  
10 and ask them if they have any prisoners in the U.S. and who  
11 are the trusted people in the U.S. who may need support for,  
12 for example for court cases, and so and so-

13 CI:1: Yes.

14 MOAYAD: -and give them the green light to him and  
15 tell him-

16 CI:1: Yes.

17 MOAYAD: -to agree with the people to talk to him  
18 and create a-

19 CI:1: A code.

20 MOAYAD: A code.

21 MOAYAD: With you!

22 CI:1: Yes, with me. Yes.

23 MOAYAD: [Laughing.]

24 MOAYAD: That is only an opinion.

25 CI-2: Al Hamdu I Allah

1 MOAYAD: Thanks be to Allah!  
2 CI:1: Thank God.  
3 MOAYAD: This is just a-  
4 CI:1: He says.  
5 MOAYAD: Me and you can agree on things, pardon me,  
6 go ahead.

7 CI:1: He says, I think he has a Doctors  
8 appointment, he says now [UI - loud yawn] a lot. He is  
9 comfortable and we will have a final meeting where we can talk  
10 about the sums of money that you will take and how is it going  
11 to be spent.

12

13 MOAYAD: We have three ways and the last is the  
14 best. We have trusted Yemenis, trusted people, they work as  
15 money exchanges from Al Hadda. These are the banks; young men  
16 who come to us, there in Sanaa'.

17 CI:1: And they are in the U.S.A.?

18 MOAYAD: They are in the U.S.A., they have an  
19 office there. Give him the money and say : "Here is the  
20 money for the charitable bakery." Or "Here is the money for  
21 example for Al Moayad school. And this is one method..."

22 CI:1: Yes.

23 MOAYAD: If there's something ready now, we can  
24 take it with us, that's the second way of doing things.

25 CI:1: I believe so.

1                   MOAYAD: The third thing, if there are things to be  
2 sent, it can be send in Mohammad's name, or in my name, and  
3 they know what to do. The first, for example, will be for the  
4 school, normal, the charitable school.

5                   CI:1: We have to create a code to your liking,  
6 so we can do it with the way-

7                   MOAYAD: The last thing, this last thing will be  
8 for the children, the, the-

9                   ZAYED: The students, those who are going to  
10 school.

11                  MOAYAD: No.

12                  CI:1: The orphans.

13                  MOAYAD: No, let us give it a name, because it is a  
14 large sum of money, we sit with you-.

15                  CI:1: Sheikh Mohammed...for example...now we  
16 will come over and you take a rest then we'll prepare the code  
17 and what is needed to cooperate.

18                  CI:1: He says that he wishes... I talked to him  
19 about the trusted people, the Yemenis in the U.S. that money  
20 can be transferred through them, he said please allow me...I  
21 don't know...my trust in them is gone.

22                  CI-2: From Brooklyn?

23                  CI:1: He said that a lot of Yemenis let him  
24 down, he wanted to send a lot of things to you from the  
25 beginning, but they didn't even give me a chance for a

1 meeting. He was very annoyed by that and that's why when you  
2 mentioned trusted Yemeni's, he said I don't want to go through  
3 that again because he was very discouraged.

4 MOAYAD: It will be through you. If it's not  
5 through you in another way. And that's better.

6 CI:1: Why don't you express your apologies to  
7 what happen...

8 MOAYAD: Of course, I apologize and explain that  
9 Abd Al Wahab was in a mental state... as he divorced his first  
10 wife and was in an emotional state to the extent that he  
11 couldn't even talk on the phone.

12 CI:1: He also says...

13 MOAYAD: We apologize for this.

14 CI:1: He says that he refused to meet us and  
15 such, and after that immediately... a month or two later, it  
16 turned out that he had relations with some of the Yemeni  
17 students there, who were arrested in that area, so he became  
18 very concerned and worried about, extremely worried that this  
19 person that he was going to put his trust in was arrested, so  
20 he thanked God that he didn't even get the chance to meet him.  
21 In every cloud there is a silver lining.

22 MOAYAD: We too, after knowing of his emotional  
23 state, and that he wouldn't even return our telephone calls.

24 CI:1: He says I don't want to know the reasons,  
25 but I thank God that-

1 MOAYAD: Even through he's your neighbor, he lives  
2 close to you.

3 CI:1: Mohammed, what do you know about Abdul  
4 Salem Mub~rez, he's the President of the association there and  
5 one of the merchants. Do you know him? We were looking for  
6 any way to-

7 MOAYAD: We will look into the Hadda, God willing,  
8 Mohammad knows.

9 CI:1: God willing, you will give us the names  
10 and the way to, as I told you.

11 MOAYAD: And on the way.

12 CI:1: We'll agree to what we discussed.

13 MOAYAD: We'll talk about your fees. We must agree  
14 on a fee for you.

15 CI:1: We can talk about it.

16 MOAYAD: Yes, you are right.

17 CI:1: We'll talk about all this, regarding the  
18 amounts of money and the percentages and everything.

19 MOAYAD: You can have a percentage too.

20 CI:1: Well, all this is done Fi sabil Allah [TN:  
21 For the sake of God], we'll eat with our own money, we're not  
22 looking for anything.

23 MOAYAD: -instead of eating from forbidden  
24 proceeds, we can eat from the agreed-upon amounts.

25 CI:1: No, he said from the beginning, that all

1 your efforts will be compensated. And [UI]

2 MOAYAD: And there's nothing wrong getting an  
3 amount of money.

4 CI:1: As a percentage, it may be a problem.

5 CI:1: He says that we can finish with a prayer.

6 CI-2: Bisim Allah Al Rahman Al Rahim (UI) [TN:

7 In the name of Allah most merciful and compassionate].

8 Astaghfiruka wa Atubu Ilayka [TN: I seek your forgiveness and  
9 I come clean before you].

10 ALL: In the name of Allah most merciful and  
11 compassionate, I seek your forgiveness, and I come clean  
12 before you.

13 MOAYAD: This is Hadeeth?

14 CI:1: No, it's a prayer.

15 MOAYAD: It's a Hadeeth. The prophet, peace be  
16 upon him, said that if there was a meeting and it ended with  
17 this Hadeeth: "Dear God, we thank you, we swear that there is  
18 no God but Allah, we seek your forgiveness, your blessings, we  
19 confess to you and we repent to you and we come clean before  
20 you, may God would erase any conversation that was not good  
21 and reinforce the good conversation."

22 CI-2: Yes.

23 MOAYAD: Glory be to Allah!

24 CI:1: He says to go with you now and see what  
25 they need, get them the cell phone and get them what they

1 need. He said everything, I should buy you everything.

2 MOAYAD: That's too much [laugh]

3 MOAYAD: Oh, God!

4 CI:1: He is saying that he enjoyed conversing  
5 with you.

6 MOAYAD: Thank you and may God reward you.

7 ZAYED: How many children he has?

8 ZAYED: God bless."

9 (END OF DVD.)

10

11

12 MS. CHEN: Your Honor, that concludes a reading of  
13 transcript four.

14 We will now play Government's Exhibit Number 7 which  
15 is a conversation between just the defendants that occurs  
16 on --

17 THE COURT: Between who?

18 MS. CHEN: Between just defendants and it is a  
19 conversation that occurs on January 8th at approximately 9:30  
20 p.m., so it is the same day as this last a conversation but in  
21 the evening.

22 (Whereupon, the tape is played.)

23

24 MS. CHEN: Your Honor, at this time we'd like to  
25 read into the record Government's Exhibit T-7 which is the

1 transcript of the conversation we just played between the  
2 defendants on January 8th starting approximately 9:37 p.m.

3 THE COURT: Okay.

4 MR. KNOX: Page one: I am Al-Moayad again..

5 "MOAYAD: "...He also brought a guard with him fearing  
6 that he will warn him in front of Abi Muslem. When he  
7 approached, with the guard, he started to read the Qur'an."  
8 See how smart. "So, when he approached Abi Muslem, he started  
9 reading His words 'That the (UI) are conspiring against you,  
10 so leave, for I am giving you advice.'"

11 ZAYED: Wow.

12 MOAYAD: See how smart! What did he do? He told  
13 him, "let me just see him and speak to him." He started  
14 reciting at the door, from far away, from Surat Al-Qasas He  
15 timed it so that verse will be recited once he reaches him.  
16 And the (UI) doesn't know what's going on. And this is what  
17 Al-Zubayri did, Muhammad Mahmud al-Zubayri. He said that he  
18 and Nu'man ...the Ruler of Yemen wanted to arrest Al-Zubayri,  
19 oh... Al-Nu'man, Al-Zubayri was already under arrest. Al-Nu'man  
20 wanted to visit Al-Zubayri. Al-Zubayri had heard from the  
21 guards that they will arrest Al-Nu'man. Al-Zubayri said  
22 "that" and the other saw him and said, "not." And the guards  
23 are watching, listening, this and that. The next day they  
24 knew nothing except he showed up in Aden. The Imam said,  
25 "What did Al-Zubayri say?" They told him "(UI), one said

1 'that' and the other said 'not'." "That's it. He escaped.  
2 You are all crazy." They asked, "what happened?" He replied,  
3 "this one said, 'That the (UI) are conspiring against you, so  
4 leave, for I am giving you advice.' And the other one  
5 answered him, 'You will not enter it, as long as they are in  
6 it.'"

7 MOAYAD: You see? "That" and "not" are code. It  
8 means nothing. One said "that" and the other replied "not."  
9 That's it.

10 ZAYED: And he went to him right away.

11 MOAYAD: He escaped to Aden and continued in the  
12 struggle until the revolution. (UI). Therefore, how does a  
13 person benefit from codes? How does a person benefit from  
14 words? How does a person benefit from circumstances? Huh?  
15 The person himself, if he meets you and says, "Ahlan" or for  
16 example, "Ahlan wa sahlan and how are you?" If you say, "how  
17 are you?" this means that something is not right. Just  
18 "Ahlan," means things are fine, "Ahlan wa sahlan," means  
19 things are not okay. Those around you won't understand a  
20 thing.

21 ZAYED: (UI).

22 MOAYAD: I mean, let's say there are people  
23 conspiring against you, and you want to make them keep an eye  
24 on you, you say, "brother, the workers need someone to check  
25 on them today. The work is not going well."

1 ZAYED: "On Friday I am telling you...."

2 MOAYAD: Huh?

3 ZAYED: "Remember we told you on Friday we will  
4 arrange the workers such and such."

5 MOAYAD: We are telling you "we are not arranging  
6 for workers, don't arrange for workers." something is wrong.

7 ZAYED: No, no, not the workers.

8 MOAYAD: We are telling you "don't arrange for  
9 workers on Friday." For example, they'll tell you "Oh Brother  
10 Mohammed, the workers need to be organized, I mean, they need  
11 someone to watch over them. Their work is lacking."

12 "Lacking" means things are not all right. "I tasted the Kidam  
13 and it is lacking." When you get "it's lacking," this means  
14 pay attention. Right? We had someone who was (UI), for  
15 example "By God Brother Mohammed, call, uh, uh, call what's  
16 his name, Haj Ali, regarding the matter of the (UI). We  
17 promised him (UI) on time." Our friend know what we're  
18 saying.

19 ZAYED: It's way off.

20 MOAYAD: Like that...that's why it is called code.  
21 There was a time when if someone passes by and says, "peace be  
22 with you", raising his hand means things are okay. Another  
23 time, " peace be with you,", this means (UI). Or "good  
24 morning" or "peace be with you. Good morning." This means  
25 something is up. "Peace be with you and God's mercy and

1 blessings" means there is nothing. A person must be clever.  
2 For example, if you wish to buy...ammunition, buy ammunition,  
3 "by God Sheikh Mohammed, we wish to buy corn. The corn is  
4 running low, should we buy it or what?"

5 ZAYED: Tha, Thakhira [TN: Ammunition].

6 MOAYAD: Right, tha, tha, tha, thakhira

7 ZAYED: Emm.

8 MOAYAD: Ah, or "we also wish to buy it from them  
9 and we want money or we want to buy this from you...look, how  
10 much is it? And so on..." Okay? Or I can tell you "no, don't  
11 buy corn at this time; let's see how the season is." Huh?

12 ZAYED: (UI) season.

13 MOAYAD: Your mother and your wife wouldn't even  
14 know. For example, if they want, uh, weapons, "by God Sheikh  
15 Mohammed, the workers at the bakery want...they're waiting  
16 for...what you call it? Peels, They want peels for the dough,  
17 for the (UI). A peel." See? Emm? Uh...for example, there is  
18 something going on around the house. I wouldn't say,  
19 "Mohammed, come and see." "Mohammed," you'd say, "yes." "Do  
20 you remember the money that (UI), I couldn't sleep over it.  
21 The money that was at so and so. Uh, did you take it? Or  
22 what did you do with it? Please call him, in case he is  
23 leaving tomorrow." A person who overhears...?

24 ZAYED: (UI).

25 MOAYAD: Won't understand what you are talking

1 about, and you know what you want and what you're doing. Or,  
2 I can say, "Mohammed, the lighting, the one in the room went  
3 out. Find us an electrician."

4 ZAYED: And that's it!

5 MOAYAD: "I don't know what's wrong with it. It's  
6 smoking, come and see."

7 (Reading concluded.)

8

9 THE COURT: Go ahead.

10 MS. CHEN: We're now playing Government's  
11 Exhibit number 8 which is a conversation between the  
12 defendants and CI-1 and it occurs at approximately 10:30 p.m.  
13 on the same day, January 8th, 2003, so it occurs approximately  
14 an hour after the conversation you just listened to. It's all  
15 in Arabic.

16 (Whereupon, the tape is played.)

17

18 MS. CHEN: Your Honor, given that this exhibit is in  
19 Arabic we're going to cut it short early and go ahead and read  
20 from the transcript.

21 THE COURT: Okay.

22 MS. CHEN: We're now about to read into the record  
23 Government's Exhibit T-8 which is the conversation that you  
24 just saw on January 8th starting approximately 10:38 p.m.

25 "CI-1: (UI).

1 MOAYAD: Huh?

2 CI-1: We can write down the things we want...  
3 to communicate with one another.

4 MOAYAD: Make use of the time.

5 CI-1: Huh.

6 MOAYAD: Make use of the time.

7 ZAYED: Dinner will be coming.

8 MOAYAD: Yes.

9 CI-1: Here, would you like to write things  
10 down.

11 MOAYAD: You write, you write.

12 CI-1: In this case....

13 MOAYAD: In the name of God the merciful, the  
14 compassionate.

15 CI-1: In the name of God the merciful, the  
16 compassionate. Huh? Let's write, in the name of God the  
17 merciful, the compassionate. A copy for you and one for us to  
18 keep, huh.

19 MOAYAD: Right. Right.

20 CI-1: What I mean...

21 MOAYAD: The charitable bakery.

22 CI-1: This, eh, the bakery.

23 MOAYAD: (UI). The charitable bakery.

24 CI-1: This is concerning the things....

25 MOAYAD: The charitable bakery, this is clear.

1 CI-1: For the, the....

2 MOAYAD: We have (UI).

3 CI-1: The charitable bakery...these are all of your  
4 things, including the school.

5 MOAYAD: No, wait, wait. First thing is the  
6 charitable bakery.

7 CI-1: What does it stand for.

8 MOAYAD: (UI) leave it as charitable bakery (UI).  
9 It doesn't stand for anything because....

10 CI-1: Yeah.

11 ZAYED: The bakery and the school are real entities.

12 CI-1: Yeah. Fine.

13 MOAYAD: Secondly, uh, educating women.

14 CI-1: This is eh....

15 MOAYAD: Educating women.

16 CI-1: Yeah, I mean, uh...he is not going to go  
17 for that. For example, he says....

18 MOAYAD: (UI) my dear.

19 CI-1: Yeah. Okay.

20 MOAYAD: He wants this, educating women.

21 CI-1: Okay.

22 MOAYAD: Number five.

23 CI-1: Okay.

24 MOAYAD: It will take a large sum of money and so on  
25 and so forth, for educating women. We need to set up sewing

1 machines; we want to do this and that and so on.

2 CI-1: Educating women is number five, which  
3 is....

4 MOAYAD: Five.

5 CI-1: Number the, uh....

6 MOAYAD: Yes. The third...attending to the  
7 orphans...and the elderly.

8 CI-1: The orphans...just the orphans.

9 MOAYAD: And the elderly.

10 ZAYED: Those who seek learning.

11 CI-1: There is no need for that, no need for  
12 that.

13 ZAYED: The sheikhs that you mentioned.

14 MOAYAD: (UI) attending to the orphans and the  
15 elderly, the elderly are the sheikhs and the orphans are those  
16 who seek learning. The (UI) one, we said, is educating women.

17 CI-1: You know, you remember what went on  
18 between us, when you said 'medical equipment,' keep it, or....

19 MOAYAD: No, no, no. If you bring in a large sum of  
20 money for medical equipment, they'll say, "what's all this?".

21 CI-1: Make it for education.

22 MOAYAD: Educating women. What do we say? "We will  
23 buy sewing machines for the home, fabric for them to sew...they  
24 need to learn. We need...we need...we need." This will attract  
25 attention. On the other hand, attending to orphans and the

1 elderly....

2 ZAYED: He should not designate the exact amount of  
3 money (UI).

4 CI-1: This sum of money is transferred for....

5 MOAYAD: For the education of women.

6 CI-1: For the education of women. It is  
7 understood that it is....

8 MOAYAD: I know it is for women's education. Let's  
9 say youth education instead of women's education. What's  
10 wrong with that? But, as for educating women, he'll say (UI)  
11 setting up sewing machines, teaching them sewing, buy fabric.  
12 He'll find it...tsk.

13 Let's make it...

14 CI-1: Yes. General.

15 MOAYAD: Inclusive.

16 CI-1: And attending to the orphans and the  
17 elderly? Will this one be done....

18 ZAYED: For women or for enabling and educating  
19 women.

20 MOAYAD: Or educating...educating...for educating  
21 women.

22 ZAYED: And training or....

23 MOAYAD: And training women. Now training can...under  
24 that, you can put whatever you want in that category. The  
25 charitable bakery...or there is another idea; it can be a

1 percentage. This is what we were saying before.

2 CI-1: I'll tell you one thing. Now, when you  
3 talk with him tomorrow, he will tell you such and such a  
4 percentage.

5 ZAYED: (UI) you recall....

6 CI-1: Such and such a percentage for the  
7 charitable bakery and you do what you like, it would be  
8 completely yours. You can do whatever you wish with it. He  
9 will set aside a percentage, this money....

10 MOAYAD: No, no. What I want to say, instead of us  
11 getting worn out that way, let's say it will be thirds, for  
12 example. This is thirty, this is thirty and that...okay?

13 CI-1: [Nods.]

14 MOAYAD: Or, this is thirty, this is twenty and that  
15 is fifty. And as soon as it is sent, we know. Instead of  
16 writing this amount for this or that, it would be a  
17 percentage.

18 CI-1: (UI).

19 ZAYED: (UI).

20 MOAYAD: Meaning....

21 CI-1: Because I...we had...he had discussed  
22 with me that the amount, for example...we are talking about  
23 two million five hundred thousand, which has been authorized  
24 for you.

25 MOAYAD: That's reasonable.

1                   CI-1:        He will give you a percentage of that  
2 sum, of that amount for yourselves, such and such a percentage  
3 for you, for the bakery, for training...the things you want.

4                   MOAYAD:  This means he...

5                   CI-1:        That means it is known and complete.

6                   MOAYAD:  The last thing remains.

7                   CI-1:        The second thing....

8                   MOAYAD:  Yeah, yeah.

9                   CI-1:        The second....

10                  MOAYAD:  The second.

11                  CI-1:        This middle one...the remainder will be  
12 yours, such and such percentage, which is...,which is...

13                  MOAYAD:  Yeah, this is what I told you.  When he  
14 tells us, when he tells us, for example, 'this, write to this  
15 one, the top one, for example, say thirty percent.  Okay?

16                  CI-1:        Okay.

17                  MOAYAD:  The last one gets twenty percent.  This one  
18 gets fifty percent.

19                  CI-1:        This....Oh.

20                  MOAYAD:  The balance.

21                  CI-1:        Ah.

22                  MOAYAD:  It's easier, I mean it's easier....

23                  ZAYED:  You present this to him, and then get it  
24 from him.

25                  MOAYAD:  No, no.  I mean, we are in the process of

1 reaching an agreement.

2 CI-1: The most important thing now is what we  
3 want to agree on. The percentages are easy, you'll agree on  
4 them later.

5 MOAYAD: What percentages?

6 CI-1: The percentage, uh, the sum of money,  
7 such and such a percent for this, such and such a percent for  
8 that.

9 MOAYAD: (UI) easy.

10 CI-1: The code we had agreed to, because like  
11 I told you, calling is difficult, from any place. When you  
12 call one another...

13 MOAYAD: Don't call me.

14 CI-1: He'll say, 'Mr. Mohammed, I've  
15 transferred a sum for you for educating, uh, training women.  
16 The meaning is clear.

17 MOAYAD: Possibly. Possibly. This is possible.

18 CI-1: Yeah.

19 ZAYED: The wedding, the group wedding.

20 CI-1: Uh...

21 ZAYED: (UI).

22 CI-1: As for the other sum of money, generally  
23 speaking, including the bakery-

24 MOAYAD: The bakery.

25 CI-1: -the mosque, the, the, this, uh, what do

1 you call it? Education, the school...we'll say, this whole  
2 thing, "we've sent for the charitable bakery."

3 MOAYAD: But you must tell me how to divide it up.

4 CI-1: This is just the code between us.

5 MOAYAD: Yes. Yes.

6 CI-1: The things...dividing up the money, the  
7 percentages...these things we can discuss tomorrow with Sheikh  
8 Saeed.

9 MOAYAD: Oh, now I understand how, when you send  
10 more than one name and the such.

11 CI-1: (UI) yeah.

12 MOAYAD: For example, you tell me the charitable  
13 bakery is such and such, educating and training women is such  
14 and such; and so on and so forth. This is, for example, if  
15 you are allotting a large sum of money...if you divide it that  
16 way, it will not draw attention. But, if you say this, this,  
17 and that, the entire sum of money...this will draw attention.  
18 For example, educating the (UI)...

19 ZAYED: I am with you.

20 MOAYAD: Make them many, many.

21 ZAYED: We should make them many.

22 MOAYAD: For example, the third item is...it's  
23 attending to whom?

24 CI-1: The orphans and the elderly.

25 MOAYAD: The orphans and the elderly. Okay, the

1 fourth item...write the fourth item? It doesn't matter.

2 CI-1: And later...yeah.

3 MOAYAD: The fourth item, what shall we say? Uh,  
4 assisting the sick. Assisting the sick. Okay. The fifth  
5 item...uh.... There is no God but Allah, God give us guidance,  
6 God give us guidance, uh....

7 ZAYED: You have the summer centers, Sheikh.

8 MOAYAD: My dear, summer centers! He is coming from  
9 America and you'll tell him summer centers? He'll tell you,  
10 "what summer centers?"

11 ZAYED: I am saying....

12 MOAYAD: (UI) Look....

13 CI-1: A training center means youths training in  
14 them, outside of school...scouting...I don't know what.

15 MOAYAD: Yeah. Son, these are charitable causes.  
16 Charities.

17 CI-1: Which don't attract attention.

18 MOAYAD: That's it.

19 ZAYED: Did you mention the orphans?

20 MOAYAD: The orphans and the elderly.

21 CI-1: (UI) the elderly.

22 MOAYAD: Yeah. Assisting the sick. What do I want  
23 to say? There is no God but Allah, no equal to Him.

24 ZAYED: The medical, the medical clinic.

25 MOAYAD: That's assisting the sick.

1 CI-1: (UI) as the sick.

2 MOAYAD: The sick...assisting the sick....uh, what  
3 do we want to say? And their medical treatment...assisting  
4 the sick and providing medical treatment.

5 CI-1: No, assisting the sick. If you want to  
6 add anything, you can say, uh, medical supplies, or the cost  
7 of medical equipment, or medicine for example...or the cost of  
8 medicine.

9 MOAYAD: That makes sense.

10 CI-1: The cost of medicine.

11 MOAYAD: The cost of medicine, the cost of  
12 surgery...for the needy.

13 CI-1: For the sick.

14 MOAYAD: For the needy. There are a lot of sick  
15 people!

16 CI-1: (UI) take care of.

17 MOAYAD: Just make it for the needy.

18 ZAYED: Okay, you also have Al-Addahi

19 MOAYAD: This is once a year.

20 ZAYED: It can be (UI).

21 CI-1: We have something for now. In the  
22 future, when we produce, I mean, there can be, uh, uh changes.  
23 Later on. This may remain for a while and we may agree to  
24 change is later on, when I come, so that it's not always....

25 MOAYAD: If it is...if there is, for example, the

1 charitable bakery..the charitable bakery is...known.

2 CI-1: It is known to the Sheikh..that's it.

3 MOAYAD: Helping the sick.

4 CI-1: Yes.

5 MOAYAD: The cost of medicine is encompassed in  
6 taking care of the sick. (UI) the cost of a bed, even the  
7 cost for juice, even the cost for convalescence. Sometimes a  
8 person is sick and his family has nothing to eat.

9 CI-1: Yes.

10 MOAYAD: Assisting the sick and covering the cost of  
11 their medications...and their medications. Not just the cost  
12 for medicine, the cost for medical tests?

13 CI-1: Yes.

14 MOAYAD: The cost of laying in bed for the sick.

15 This is one thing and that is another.

16 CI-1: Yes.

17 MOAYAD: Educating and training women. It is known  
18 that it requires plenty.

19 CI-1: Yes.

20 MOAYAD: I need fabric, teaching them sewing, I need  
21 supplies, I need to pay the teachers salaries, I need salaries  
22 for this, I need (UI).

23 ZAYED: (UI).

24 MOAYAD: Taking care of the orphans and the  
25 elderly...how many sick and elderly?

1                   CI-1:        We'll leave it like this and tomorrow  
2 we'll explain to...

3                   MOAYAD: No, not 'leave it like this.' You tell him  
4 that this is for this and this is for that...that way when you  
5 tell him all this is for such and such [he won't say] 'what's  
6 this?'.

7                   CI-1:        Yes.

8                   ZAYED: Digging the well for the mosque.

9                   CI-1:        Huh.

10                  MOAYAD: This is possible. What do you think? Send  
11 money for digging the well for the mosque?

12                  ZAYED: Digging the well for the mosque.

13                  MOAYAD: It needs a large sum...three million. We'll  
14 just say that and then.

15                  CI-1:        Yes.

16                  MOAYAD: We'll write deepening the well.

17                  ZAYED: Digging the well along with the (UI).

18                  CI-1:        Digging the well.

19                  MOAYAD: Digging the well for the mosque.

20                  ZAYED: With waterways.

21                  CI-1:        Make it digging the well.

22                  MOAYAD: Digging the well for the mosque.

23                  ZAYED: Along with waterways for....

24                  CI-1:        Leave it...we'll call it...digging the well...

25                  ZAYED: No. You know what?

1                   CI-1:        We can say maintenance or say, for  
2 example....

3                   MOAYAD:  And what...and whatever it requires.

4                   ZAYED:  Whatever it requires.

5                   MOAYAD:  Whatever it requires.  That's it.  And then  
6 we'll see.

7                   CI-1:        I want to leave this with you.

8                   ZAYED:  (UI).

9                   MOAYAD:  (UI).

10                  CI-1:        Now...temporarily, till we decide  
11 tomorrow, I, you, and the Sheikh.  We'll explain to him....

12                  MOAYAD:  We know better.

13                  CI-1:        I mean if you want to add something,  
14 write something or....

15                  MOAYAD:  It's clear.  What's important to us is your  
16 side, not ours.

17                  CI-1:        (UI) how I worry.  (UI) I call you from  
18 every street, from every (UI).  There isn't a place (UI) at  
19 all.  Yes.

20                  MOAYAD:  There is another thing.

21                  CI-1:        Yes.

22                  MOAYAD:  The transfer...should not be in one  
23 person's name.

24                  CI-1:        Yes.  The transfer... (UI) the transfer.

25                  MOAYAD:  In the name of, one, Mohammed Ali

1 al-Moayad. Mohammed Mohsen Zayed. Mohammed Mohsen...what's  
2 your grandfather's name?

3 ZAYED: Mohammed Mohsen Yahya.

4 MOAYAD: Mohammed Mohsen Yahya. Get yourself  
5 another identification card.

6 ZAYED: I have one in the name of Mohammed Mohsen  
7 Yahya (UI).

8 CI-1: Zayed.

9 ZAYED: In the passport it is Mohammed Mohsen Yahya.

10 MOAYAD: In the passport, you have Mohammed Mohsen  
11 Yahya? In the identification card? Get another  
12 identification card.

13 CI-1: (UI).

14 MOAYAD: Ibrahim Mohammed Ali. Okay. Zakariyya  
15 Mohammed Ali. We'll write some with "Al-Moayad" and some  
16 without?

17 CI-1: (UI).

18 ZAYED: Their identification cards are all in the  
19 name of Al-Moayad.

20 MOAYAD: Change.

21 ZAYED: The identification cards?

22 MOAYAD: Get him a second identification card.

23 CI-1: Yes.

24 MOAYAD: Ibrahim Mohammed Ali, and then under it,  
25 Ibrahim Mohammed Ali al-Moayad.

1 CI-1: Again.

2 MOAYAD: Yeah. Don't they get tired?

3 CI-1: [Laughs.]

4 MOAYAD: (UI).

5 ZAYED: They don't get tired. They're used to it.

6 MOAYAD: And Zakariyya Mohammed al-Moayad. Okay?

7 CI-1: Okay.

8 MOAYAD: If you take away Ali...but it must be  
9 there.

10 CI-1: Ali is here a second time.

11 ZAYED: In the identification card it is Zakariyya  
12 Mohammed Ali.

13 CI-1: If it is like this....

14 MOAYAD: They'll get identification cards in the  
15 name of Zakariyya Mohammed, uh, Zakariyya Mohammed Hassan  
16 al-Moayad.

17 ZAYED: Mohammed Hassan.

18 MOAYAD: Change Ali in the first one?

19 ZAYED: Yeah.

20 MOAYAD: Let's review this. Ibrahim Mohammed  
21 Hassan.

22 CI-1: This is here.

23 MOAYAD: Ibrahim Mohammed Ali...what should we make  
24 it, Al-Bahlawli, Al-Khawlani or...?

25 CI-1: Here too, Zakariyya Mohammed...if you're

1 going to make any changes to the last name...

2 MOAYAD: I mean in the beginning...this Mohammed Ali  
3 Al-Khawiani, Al-Bahlawli, or Al-San'ani.

4 CI-1: (UI).

5 ZAYED: (UI) well-known. They'll go to a place  
6 where they're not well-known.

7 MOAYAD: Leave it this way.

8 CI-1: We'll keep it this way.

9 MOAYAD: How many names have you got?

10 CI-1: Seven.

11 MOAYAD: Seven. Okay. Do you know of anyone from  
12 (UI).

13 ZAYED: Yeah, it's necessary.

14 MOAYAD: Make them nine or ten. (UI). Emm.

15 ZAYED: Hamid Thabit.

16 MOAYAD: No (UI). Okay...seven.

17 ZAYED: Seven...leave it like that.

18 MOAYAD: Oh, oh, write Amat al-Malik...Abd al-Malik  
19 al-Nashiri's daughter. Abd al-Malik al-Nashiri.

20 CI-1: Okay.

21 MOAYAD: The wife's name.

22 CI-1: Huh.

23 MOAYAD: The wife's name. Easier, uh,....

24 CI-1: Yes. There is nothing...if you think of  
25 something else... he has the paper.

1 ZAYED: Yeah, he has the paper.

2 CI-1: That's it.

3 MOAYAD: Huh?

4 CI-1: Okay.

5 MOAYAD: We are (UI).... God's prayers and  
6 blessings upon him...I believe this is it..

7 CI-1: This is enough.

8 ZAYED: (UI) everything else.

9 CI-1: Huh? Yeah.

10 MOAYAD: (UI).

11 CI-1: I think this is enough and then  
12 we'll...tomorrow, God willing.....

13 MOAYAD: There is no power nor might save in God.  
14 Oh, Lord.

15 CI-1: Oh, Lord.

16 ZAYED: (UI).

17 MOAYAD: Oh, Lord...oh, Lord. [Pause]

18 MOAYAD: He has been talking for around an hour.

19 CI-1: And he will continue to.

20 MOAYAD: If this was a Friday sermon, they would  
21 say, 'hurry up and finish. You're making us sick.' (UI).

22 CI-1: And you won't understand what was said  
23 in the sermon.

24 MOAYAD: If you divide it up that way...

25 CI-1: God willing. And I, when I tell him

1 tomorrow...I'll explain to him tomorrow...and at the same time you  
2 will present to him tomorrow.

3 MOAYAD: And you, reiterate to him to trust us in  
4 front of God (UI).

5 CI-1: Yes.

6 MOAYAD: Trust us in front of God.

7 CI-1: Yes.

8 MOAYAD: (UI) with God as a witness. This (UI) and  
9 our efforts, and if we see something, we don't have to stick  
10 to this to the letter.

11 CI-1: Yes, yes.

12 MOAYAD: What do you think?

13 ZAYED: Yes. Yes.

14 MOAYAD: Oh Lord, oh Lord, oh Lord, the Living, the  
15 Righteous.

16 CI-1: Mr. Mohammed, what I understood and felt  
17 is that this is a beginning, once the trust is there...this is  
18 a beginning, once he knows that this is being spent on what  
19 was agreed upon, he will not care. After that, [he'll say]  
20 "Sheikh, take this and you know better."

21 ZAYED: I mean if he wants... (UI).

22 CI-1: Your conscience will be clear.

23 ZAYED: Mohammed....

24 CI-1: Yes.

25 MOAYAD: Death is close.

1 CI-1: Oh.

2 MOAYAD: Death is close.

3 CI-1: Yes.

4 ZAYED: I mean, what he is saying is how is he going  
5 to know (UI)?

6 MOAYAD: We don't write anything down. Some things  
7 we can't write.

8 CI-1: No, no. They....

9 MOAYAD: For example, the attorneys, the attorneys  
10 who defend those in prison.

11 CI-1: Yes.

12 MOAYAD: We don't tell the attorney to give us a  
13 receipt.

14 ZAYED: No, no. Not the attorneys.

15 MOAYAD: I'm just telling you...huh.

16 CI-1: A receipt in whose name.

17 MOAYAD: I am telling you...huh.

18 CI-1: Oh, yes.

19 MOAYAD: For example, the wives of our beloved  
20 brothers in prison-

21 CI-1: Yes.

22 MOAYAD: -their children, and so on. You ask about  
23 one of them and he'll say, 'my children can't read because  
24 they don't have money for school.' You can say we can (UI)  
25 people from Saudi Arabia or United Arab Emirates.

1 MOAYAD: Come in.

2 CI-1: (UI).

3 MOAYAD: It is dinner.

4 ZAYED: (UI).

5 MOAYAD: This is one thing... I mean one must  
6 understand the book from beginning to end.

7 MOAYAD: Read the book from beginning to end. Are  
8 you listening? A person reads the book from beginning to end  
9 'til he memorizes it...not read it from the middle. One might  
10 not get the idea that one wants...especially the Hadith and  
11 interpretation because one wants to understand them. Yeah...

12 CI-1: Huh.

13 MOAYAD: One must not stop talking altogether.

14 CI-1: Huh? No, no...I mean...I was telling you to  
15 change the subject.

16 MOAYAD: (UI).

17 CI-1: No, no. I talked (UI) again.

18 MOAYAD: Yeah. And the such and such book is lost...,  
19 or if you were at the home of so and so (UI). As if you are  
20 the context of the conversation.

21 CI-1: Look, there is...

22 MOAYAD: Those...they understand Arabic and they say  
23 this and that...(UI).

24 ZAYED: Or we can talk about our plans...for example,  
25 tomorrow we want to go to the doctor (UI).

1                   MOAYAD: So, she doesn't feel that you've stopped  
2 talking.

3                   CI-1:        Yes, yes, I understand.

4                   MOAYAD: Huh?

5                   CI-1:        Yes.

6                   MOAYAD: We learn, we all learn.

7                   (Whereupon, the reading is concluded.)

8

9

10                  MS. CHEN: Your Honor, the government is now playing  
11 Government Exhibit Number 5 which is a meeting between the  
12 defendants and the two confidential informants that occurred  
13 on January 9th beginning at approximately 11 a.m.

14                  THE COURT: Is this the third day?

15                  MS. CHEN: Yes.

16                  MR. KNOX: It is the next morning.

17                  (Whereupon, the tape is played.)

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1 THE COURT: How much more on this?

2 (Tape paused.)

3 MS. CHEN: At least a half an hour, Your Honor.

4 THE COURT: Let's stop now because their food is  
5 here.

6 (Tape stopped at page 45 of the transcript.)

7 (Time noted: 12:30 p.m.)

8 THE COURT: 1:45.

9 MR. JACOBS: Your Honor, could you remind the jury  
10 that the English is just for context and not for the truth of  
11 it.

12 THE COURT: Every time we're going to do this?

13 MR. JACOBS: Not every time. It is a good reason to  
14 stretch.

15 THE COURT: Just for you, Mr. Jacobs. The English  
16 is for the context, not for the truth, do you understand that?

17 A JUROR: Yes.

18 THE COURT: Okay.

19 (Jury leaves courtroom.)

20 (Luncheon recess taken.)

21 (Continued on next page.)

22

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24

25

(The following takes place out of the presence of  
the jury.)

THE COURT: You've got about a half hour more of the tape?

MS. CHEN: Just about.

THE COURT: How many more tapes?

MS. MOORE: I think we've got four. Some are very short. One is a more longer one.

THE COURT: I didn't say anything.

MS. CHEN: It is the expression on your face.

THE COURT: Bring them in.

MR. GOODMAN: May I address something?

(Jury enters courtroom.)

THE COURT: Come to the side-bar.

(The following takes place at side-bar.)

MR. GOODMAN: Your Honor, I was just informed --  
Mr. Murphy has been very helpful in contacting the State  
Department.

THE COURT: Who is Mr. Murphy?

MS. MOORE: Agent Murphy.

THE COURT: Oh, what is it, lieutenant or captain.

AGENT MURPHY: Captain.

MR. GOODMAN: Captain, whichever title is the best.

-- in contacting the State Department and letting them know

1 that the paperwork that we've sent which are court issued  
2 subpoenas is sufficient. They apparently are still requiring  
3 a more formal looking order in order to process the visas for  
4 Hassan Al-Moayad's witnesses. So, I just wanted to -- I  
5 checked with Ms. Moore and I just wanted to let the Court know  
6 that if there's no problem, I'd like to present such an order  
7 tomorrow so that the Court can --

8 THE COURT: What kind of paperwork?

9 MS. MOORE: The problem, Your Honor, is that the  
10 subpoenas they offered, we've seen them, they wrote it in by  
11 hand, Heinemann doesn't have a stamp on it, it doesn't look  
12 like a real subpoena, it looks like it was sort of scrawled  
13 together. If they were to get a regular subpoena, type it up,  
14 it should be fine.

15 THE COURT: Get a regular subpoena.

16 MR. GOODMAN: Okay, fine.

17 (End of side-bar.)

18

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20 (Continued on next page.)

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1           THE COURT: I told you before, ladies and gentlemen,  
2 in all trials they have what they call side-bars in which the  
3 lawyers and the judge will discuss issues of law or something  
4 that does not pertain to the jury and they do it at side-bar  
5 and notwithstanding that, everything that we do say is taken  
6 down by the court reporter. So, we just had a side-bar.  
7  
8           Okay.

9           Ms. Chen.

10           MS. CHEN: Your Honor, the government is going to  
11 resume playing Government's Exhibit 5 which is a videotape  
12 that we recorded on January 9th, 2003 and started at 10:55  
13 a.m.

14           We're resuming the videotape at 12:10:01 p.m.

15           (Whereupon, the tape continues playing.)

16  
17           (Tape concluded.)

18           MS. CHEN: The government is now going to read into  
19 evidence Government Exhibit T-5 which is a transcript of the  
20 conversation we just saw.

21           MR. KNOX: Again, only the Arabic portions.

22           (Reading begins.)

23           "MOAYAD: Does he take it off when he goes to the  
24 restroom.

25           CI-1: Of course he takes it off.

26           CI-1: Anytime he goes to restrooms or similar

1 places, he takes out Allah's signs or the Quran....etc.

2 CI-1: He is saying that he carries the name of  
3 Allah everywhere he goes, and they know everywhere I go that I  
4 am a Muslim.

5 MOAYAD: In the name of God.

6 CI-1: In the name of Allah, the merciful and  
7 compassionate.

8 CI-1: He is saying that today is going to be a  
9 good day if God is willing.

10 CI-1: Well today is beautiful, and it is a  
11 beautiful weather, and God willing, we are going to clarify  
12 certain matters-

13 MOAYAD: God willing.

14 CI-1: He spoke with his wife, and he spoke, I  
15 mean, even to his sheikh, to his friends in the organization,  
16 and he said many good things about you.

17 CI-1: And they were very glad that I provided  
18 them with everything. That we all put our trust in God and in  
19 you, God willing.

20 MOAYAD: God willing.

21 CI-1: He is also saying that we are happy, and at  
22 the same time, we are going to be even happier when everything  
23 is clarified. Where is the money going and how is it going to  
24 be spent.

25 CI-1: This is the clock.

1 ZAYED: Is it five o'clock?

2 CI-1: It's 5 o'clock, eight in New York.

3 CI-1: The Fajar, the Fajar prayer.

4 ZAYED: Yeah, yes.

5 CI-1: It is the same time everywhere, he has on  
6 New York time, at five o'clock is the prayer. Glory be to  
7 Allah!

8 ZAYED: Glory be to Allah!

9 CI-1: Should we bring you another pillow or are  
10 you comfortable?

11 MOAYAD: No, no. I'm comfortable.

12 CI-1: He says that to get back to what we were  
13 talking about yesterday, he wishes to get some clarifications  
14 to make sure there is no misunderstanding in anything, and  
15 that everything is very clear. So we'll continue talking  
16 about where the money will be spent.

17 MOAYAD: In the right place.

18 CI-1: Yes.

19 CI-1: He wrote down the five things that we  
20 talked about yesterday.

21 MOAYAD: Uhuh.

22 CI-1: He is saying about the bakery-

23 CI-1: The students, the scholars.

24 CI-1: Women as well-

25 CI-1: The families of the apprehended and the

1 martyrs.

2 CI-1: - and the topic after that is the important  
3 one, about training the Mujahidin.

4 MOAYAD: Change the name, whatever he said, in order  
5 to-

6 CI-1: No he's just saying it to be clear, then  
7 he'll...

8 MOAYAD: We wrote it down yesterday, if you  
9 remember, what you wrote down yesterday... in Arabic-

10 CI-1: Regarding the words? But that's for the  
11 codes... He just wants to be sure about the-

12 MOAYAD: -to make sure there's no misunderstanding.

13 ZAYED: The education centers.

14 MOAYAD: Yes, it's the same thing. He's saying  
15 that he'll say it now then ...

16 CI-1: He's saying it now to make sure there's no  
17 misunderstanding, that everything is clear now, then later on  
18 all the words will be coded and clear.

19 CI-1: - He just wanted to cover what was talked  
20 about yesterday to make sure there's no misunderstanding, and  
21 if there's any, we can discuss things.

22 MOAYAD: Correct.

23 CI-1: Then after that, when we get into the  
24 details everything will have its coded name.

25 MOAYAD: Its name.

1           CI-1:    He says I'm not a computer, but I'd like to  
2 be sure that we can decide the percentages that will be used  
3 for each field, God willing.

4           MOAYAD: With God's help. With God's help.

5           CI-1:    God willing!

6           CI-1:    He says that it's a great honor that, like  
7 you said yesterday, you were the Sheikh for Bin Laden, but he  
8 says when you were cooperating with him and supporting him and  
9 such, after that, did you leave Bin Laden and Al Qaeda and you  
10 went to Hamas, or did you...

11          MOAYAD: No, the Afghani Jihad was over.

12          CI-1:    Yes.

13          MOAYAD: We take money from our leaders and deliver  
14 it there to him

15          CI-1:    Yes.

16          MOAYAD: After it was over and they started  
17 disputing amongst themselves-

18          CI-1:    Yeah.

19          MOAYAD: - we distanced ourselves from them. Hamas  
20 has an office where we're at, in Sanaa', and I was the  
21 president of Al Aqsa organization-

22          CI-1:    Yeah.

23          MOAYAD: - so we had relations with them.

24          MOAYAD: To all organizations, to all Afghanis.

25          CI-1:    He's asking what's Al Aqsa. It is the

1 organization of-

2 MOAYAD: It's Al Aqsa Charitable Organization.

3 ZAYED: Charitable organization.

4 CI-1: It is um.

5 ZAYED: Organization.

6 MOAYAD: Charitable Organization of Al Aqsa.

7 CI-1: Does it belong to Al Fatah organization, or  
8 any...?

9 MOAYAD: It follows the Muslims there, the families,  
10 whatever the Muslims need over there. Building houses,  
11 medical treatment, food, education...

12 ZAYED: We have nothing to do with them.

13 CI-1: Huh?

14 MOAYAD: No, Al Fatah is separate from us.

15 ZAYED: Godly people, the people who are charitable  
16 in Palestine...many people.

17 MOAYAD: Yes. We have receipts, names and  
18 everything.

19 CI-1: He says that he wants to deal with you, not  
20 with Fath or anyone else.

21 MOAYAD: Yes, they are independent.

22 CI-1: He knows you-

23 MOAYAD: All the time.

24 CI-1: He says that he doesn't have any idea about  
25 Al Aqsa.

1 MOAYAD: [UI] God willing.

2 CI-1: He says that according to what you said  
3 yesterday about training the Mujahidin, and the situation in  
4 Yemen, what you explained... What country do you suggest? For  
5 example you said Hamas yesterday, is there a country that you  
6 can ...

7 MOAYAD: We'll discuss it with the Hamas people we  
8 have in Yemen-

9 CI-1: Yes.

10 MOAYAD: - and tell them that we want to bring young  
11 men to train at our expense-

12 CI-1: Yes.

13 MOAYAD: - and you arrange the country. They may  
14 say in Lebanon, in Syria, in Iraq, an area according to what  
15 they think is best. And we'll be your connection with them.

16 ZAYED: We are going to be the point of contact.

17 MOAYAD: Whatever they can do, if they can't.

18 CI-1: No, he's asking if there's a country that  
19 you can suggest.

20 MOAYAD: They know better. They're specialized.

21 MOAYAD: They are specialized.

22 CI-1: He is talking now about the training of  
23 the Mujahidins. He says that he's supporting the Mujahidin  
24 training, whether they're from his side or not, any Mujahid .  
25 He knows that Hamas doesn't have the financial capabilities to

1 train the people. He will spend the money on whoever wants to  
2 join in because he knows that they have limited capabilities.  
3 Yeah, yeah.

4 CI-1: Yes, they don't have money, so-

5 ZAYED: This is a point for the future.

6 CI-1: Huh?

7 ZAYED: It is all for the future.

8 CI-1: Yes.

9 ZAYED: It is all for the future.

10 MOAYAD: It is destiny.

11 MOAYAD: God willing.

12 CI-1: He says, of course, that it was difficult  
13 for him to arrange a meeting, so he suggested Germany, then  
14 Kenya as a place to meet, as he was searching for any place.  
15 You did not agree on Kenya. Was there a particular reason  
16 why?

17 MOAYAD: Because if I was asked why are you going to  
18 Kenya, you know, by friends and foes, if I'm asked at the  
19 airport why did you go to Kenya, are you a merchant? If I  
20 change my passport to Merchant or businessman I can then go as  
21 a merchant, but my passport is not as such, and I didn't think  
22 to have a passport as a businessman. In the future it can be  
23 arranged as so, to have a passport as a businessman, and this  
24 is in the future.

25 MOAYAD: Make it clear to him.

1 CI-1: Yeah.

2 CI-1: He says that before the day is over, God  
3 willing, he wants to finalize the matter and travel. He is  
4 also saying, of course he wants clarification on to whom his  
5 money is going to, is it going to Hamas only? Is the focus on  
6 it? Or is it going to other things, either Al Qaeda or any  
7 other organization that you will deal with.

8 MOAYAD: The way we see it is to support all in  
9 Islam; in Jihad.

10 CI-1: Yes.

11 MOAYAD: - Hamas, Al Qaeda, Massajins [TN:  
12 Prisoners], Mujahidins, and such. Anyone who we know of, who  
13 is in the Jihad field-

14 CI-1: Yes.

15 MOAYAD: -and is responding to the Call of 'there is  
16 no God but Allah and Mohammed is God's prophet and his  
17 messenger,' we support him-

18 CI-1: Yes.

19 MOAYAD: -we shall support him, regardless of what  
20 organization he belongs to.

21 CI-1: I told him, Hamas, Al Qaeda, or any Islamic  
22 organization...

23 MOAYAD: -that works in that field of Mujahidin.

24 CI-1: Yeah, he says of course-....

25 CI-1: He says, of course, that yesterday we swore

1 all four of us, and yesterday he was shy to ask about the part  
2 of Mohammed Zayed, because from what he knows, everything I  
3 told him was about Mohammed Al Moayad, and all the talking was  
4 with you and now Mohammed Zayed is here with you. He asked me  
5 who that was, I told him that he's one of the closest people  
6 to him, responsible for the charitable bakery.

7 MOAYAD: Responsible for all the charity work.

8 CI-1: Yes, that's what I said. Of course, he  
9 doesn't know anything about Sheikh Mohammed Zayed or who is he  
10 and what is his position in our situation. He said, God  
11 forbid, if there was death or sickness or you were not  
12 available, can Sheikh Mohammad Zayed take care of things.  
13 He's shy because he says that you're his guests and you don't  
14 ask about guests especially after yesterday. He says that  
15 he'll feel better if he knows who he is.

16 MOAYAD: I have children, I have children-

17 CI-1: Yes.

18 MOAYAD: -and I have brothers-

19 CI-1: Yes.

20 MOAYAD: -and mother and father, and young men, but  
21 I chose, with God's help, the best person I have, even in my  
22 living will, it is written that if I die he will be  
23 responsible for the charitable bakery and other charity work  
24 and such, he's aware of everything I do, big and small.

25 MOAYAD: And we have God's trust/promise on this.

1                   ZAYED: I may die before he does.

2                   CI-1: He is saying of course, that just for my  
3 peace of mind, that I know sheikh Mohammed Moayad, I don't  
4 know Mohammed Zayed. But I told him that Sheikh Mohammed  
5 Moayad is coming and with him will be Mohammed Zayed, he  
6 didn't mind nor did he ask who he was. I told him that he's  
7 responsible for the bakery. He sent the tickets and  
8 everything without asking.

9                   MOAYAD: God bless him.

10                  CI-1: And when you arrived he said that you are  
11 his guests, and I can't ask my guests. When we swore in  
12 yesterday, he said that he was shy to ask who he was again,  
13 but he said today we have to continue and I have to be clear  
14 on things.

15                  MOAYAD: That's it.

16                  CI-1: I, with the utmost respect to you-

17                  CI-1: Now this is a question directed to you.

18                  ZAYED: Hum.

19                  CI-1: Do you have a Ba'ya [TN: Sworn to give your  
20 life to the sheikh] to the sheikh? Do you know what Ba'ya is?

21                  MOAYAD: Yes.

22                  ZAYED: We know Al Ba'ya.

23                  CI-1: He is asking you.

24                  ZAYED: Yes, we have the Ba'ya.

25                  CI-1: Huh?

1 ZAYED: Yes, we have Ba'ya.

2 CI-1: That means that I can depend on you as  
3 well, by giving you money and it's agreed upon where that  
4 money will be spent?

5 MOAYAD: God willing.

6 CI-1: God willing.

7 ZAYED: We ask God almighty to grant us success.

8 And we'll do with it whatever he tells us to do. And  
9 may God make us triumphant....

10 CI-1: I ask you a question now. Where will you  
11 use my money?

12 ZAYED: In God's hands if He is willing.

13 This is on one's conscience -

14 CI-1: Yeah.

15 ZAYED: - and we all should fear God, because death  
16 could come unexpectedly.

17 CI-1: You'll put it where he tells you to put it,  
18 and the rest is up to God.

19 MOAYAD: We'll do what we can.

20 ZAYED: Of course we'll do what we can.

21 CI-1: Yes.

22 MOAYAD: Tell him are you-

23 CI-1: He says now that the matter is over, and  
24 he's feeling comfortable God willing. At the end of  
25 conversation he will tear the papers to shreds-

1 ZAYED: The matter is done.

2 CI-1: -and he says that this is as if it never  
3 happened because God is our witness now and God is above  
4 everything. We are all overseen by God.

5 MOAYAD: Tell him, is he willing to give us the  
6 Biya? [TN: Contract] (laughs).

7 CI-1: (Laughs).

8 CI-1: He wants to talk about these papers.

9 MOAYAD: Yes.

10 CI-1: Yes.

11 CI-1: He says that when you gave him this, of  
12 course, he said sure, and trust that he did [UI], but he wants  
13 to discuss it further with you, because he doesn't know of  
14 these organizations. He wants you to explain about the papers.

15 MOAYAD: There were just examples to show him-

16 CI-1: He doesn't know, this nor does he have any  
17 relations with them.

18 CI-1: Are these organizations do the same kind of  
19 work that Al Da'wa Al Islamiya organization does?

20 MOAYAD: I visited them in Lebanon, and in Jordan  
21 several times. And for example, this one we deliver it to  
22 Hamas. This one we deliver it to the interior. This one we  
23 send it to the martyrs. But when we are in front of our  
24 government we're at....

25 CI-1: Yeah, that's what he's talking about, let

1 me explain to him.

2 MOAYAD: These are examples.

3 CI-1: Yes.

4 CI-1: This has nothing to do with Al Fatah, Al  
5 Fatah organization.

6 MOAYAD: We don't consider Al Fatah to be Muslim  
7 followers. Tell him that.

8 CI-1: He says he's being careful for his money  
9 not to go anywhere else other than the Jihad.

10 MOAYAD: They are notorious. It is a well-known  
11 fact.

12 MOAYAD: We don't deal with them.

13 MOAYAD: In London.

14 MOAYAD: Interpal.

15 CI-1: He is saying Interpol, I told him no, no it  
16 is Interpal.

17 ZAYED: No, no, no.

18 MOAYAD: No, no, no, it's Interpal, it's a  
19 respectable company, which I visited in London and I sat with  
20 them, they're doing well.

21 ZAYED: There is a difference between Interpal and  
22 Interpol.

23 CI-1: Am I right? It is an American/Islamic  
24 organization.

25 MOAYAD: Do not tell him that. What are you saying?

1 MOAYAD: Remove everything, Remove them.

2 ZAYED: Uhum.

3 MOAYAD: Quran-

4 Room service: (UI)

5 MOAYAD: Ansi!

6 CI-1: Yeah.

7 MOAYAD: Tell him that when someone stops by, he  
8 shouldn't stop talking. Our conversation should change  
9 immediately to talking about the Quran or Hadeeth.

10 CI-1: He says that that's what he does too,  
11 change the topic to football ...

12 MOAYAD: Not about football but about our topic, we  
13 should keep on conversing among us normally, about Hadeeth,  
14 the prophet, Allah's messenger said in the Quran, we must keep  
15 on conversing with one another as if-

16 CI-1: He said I agree with you-

17 MOAYAD: God willing.

18 MOAYAD: [UI]

19 CI-1: He says that he has the bitter taste of  
20 prison for ten years.

21 MOAYAD: And I too have-

22 CI-1: He is saying Interpal is not a military or  
23 a police organization or anything?

24 MOAYAD: I also had this experience. I sat with  
25 Isam, he's one of the best people.

1 MOAYAD: He's the assistant of sheikh Yousef Al  
2 Qardhawi.

3 CI-1: Huh?

4 MOAYAD: He is the assistant of Sheikh Yousef Al  
5 Qardhawi.

6 CI-1: He said that this guy, what's his name?

7 MOAYAD: Isam Khashshani.

8 CI-1: Isam what?

9 MOAYAD: Khashshani-

10 CI-1: I did not get it.

11 MOAYAD: Isam Khashshani.

12 CI-1: Isam?

13 MOAYAD: Khashshani.

14 CI-2: Khashanti?

15 CI-1: Khashshani.

16 MOAYAD: Khashshani.

17 CI-1: Khashshani.

18 CI-1: He says the name is Iranian. He's  
19 Lebanese?

20 ZAYED: Palestinian.

21 MOAYAD: Palestinian.

22 MOAYAD: He's the assistant, the one responsible for  
23 things after Sheikh Yousef Al Qardhawi in charity work.

24 CI-1: Al Qa Ra Da Wi

25 ZAYED: Sheikh Yousef Al Qardhawi.

1 CI-1: Are they Hamas as well?

2 MOAYAD: They support the entire Jihad movement.

3 ZAYED: He supports the organization.

4 CI-1: Is that the same person?

5 MOAYAD: No, that's not Isam Khashshani, that's Isam  
6 Yousef, Isam Yousef, IAam Khashshani is different, that's Isam  
7 Yousef. [UI]

8 CI-1: Oh! Isam?

9 MOAYAD: Yousef [UI]

10 ZAYED: He's a religious scholar.

11 CI-1: He also supports Hamas?

12 MOAYAD: He supports all of Islam. He works toward  
13 the unanimity of all Muslims.

14 MOAYAD: Jihad.

15 CI-1: And this person too ...

16 MOAYAD: No, this one is in Lebanon, he's in  
17 Lebanon.

18 CI-1: About dealing with the money ... [UI]

19 MOAYAD: Of course, but the money with him is  
20 endowed to charity.

21 CI-1: Yes.

22 MOAYAD: And it supports everyone who needs it in  
23 Palestine, for example, someone's house in Palestine was  
24 ruined, a check is issued to him immediately to help him in  
25 rebuilding his house.

1 CI-1: He's very glad. And let me add something ...

2 CI-1: Of course, when this is written this way,  
3 in front of the government, in front of whoever cashes it-

4 MOAYAD: We give it to the party and to the  
5 president of the Republic.

6 MOAYAD: We are going to display it in Mosques, we  
7 are going to display it in mosques.

8 ZAYED: [UI] as long as he doesn't lose it [UI] for  
9 it will affect us.

10 CI-1: He is saying-

11 CI-1: He says that of course he's careful, and  
12 God willing after we're done we'll tear all this up in front  
13 of you, because he does not want to [UI]

14 MOAYAD: No, no, no, that's not needed. He knows  
15 what to do.

16 CI-1: He does not keep any papers.

17 MOAYAD: Thank God. That's good.

18 CI-1: He says I didn't even bring my personal  
19 computer. It has his personal data, but he didn't bring it.

20 MOAYAD That's good.

21 MOAYAD: Yep.

22 CI-1: Marzouq, the reason he was incarcerated in  
23 the U.S. is because of his wife's negligence, she lost his  
24 phonebook, Abu Marzouq's phone book, which she lost at the  
25 airport. And the U.S. intelligence found out who he was, Abu

1 Marzouq, and that was the reason he was arrested, this book.

2 MOAYAD: Oh, oh, oh, oh....

3 CI-1: And that's why he doesn't take any papers  
4 or anything to identify him or make him suspicious.

5 CI-1: He says that he doesn't even travel with  
6 Islamic books written in English, he only brings the Quran.

7 MOAYAD: And the prayer book.

8 CI-1: And prayer books. He says that I'm a  
9 Muslim but other Islamic books are perceived as something  
10 else. That's why he only takes the Quran and the prayer book  
11 only.

12 ZAYED: Good.

13 MOAYAD: He can take Hadeeth with him. [TN: Hadeeth  
14 is prophet Mohammed's sayings]

15 CI-1: Whch is prophet Mohammed's sayings, may  
16 Allah's peace and mercy be upon him.

17 CI-1: He said, yes, yes.

18 MOAYAD: Tell him that we learned a lot from him.

19 CI-1: Yes. [Laughing.]

20 CI-1: He says he's happy.

21 MOAYAD: We ask God to keep us (UI).

22 CI-1: He says, of course, regarding the training  
23 of the Mujahidin especially the Mujahidin-

24 MOAYAD: We need to assign a monthly salary for  
25 them.

1 CI-1: Yes.

2 MOAYAD: Does he need to read specific religious  
3 books or anything like that.

4 CI-1: No, no. He's talking, God willing, about  
5 the brothers that are in the U.S., after the officer gives us  
6 or gives you the green light, we are prepared to help them  
7 over there by providing them with safe places, money, for them  
8 to train.

9 MOAYAD: In America?

10 CI-1: Yes. For the people who are already there,  
11 we can provide them with aid. We have training locations in  
12 special camps where they can perform any activities and they  
13 won't be asked questions. We have a great capability to  
14 protect our young men, the Mujahidin. And similarly we can  
15 provide training for our friends from Hamas and practice the  
16 Islamic way of life there, we are capable of providing that  
17 for the people under our protection and under our watchful  
18 eye. We can tell if this person is from Hamas, is under  
19 surveillance, we'll know these things they will not know but  
20 we have places, accommodations, and such that make the people  
21 safe. Safe from fears ...from...

22 MOAYAD: Then it is better for me to come to you.

23 [Laughs.]

24 CI-1: Are you ready to fight?

25 MOAYAD: Yes, God willing.

1 MOAYAD: The shortest way to heaven is through  
2 Jihad. The shortest way to go to heaven is this one.

3 CI-1: I want to tell you something. Going back  
4 to the original topic and such, he's not a person working by  
5 himself, and he's not a man with a small role, he has people  
6 assigned to protect him and he provides protection for the  
7 people working for him. They have their people working inside  
8 the government, and they have everything, they have their own  
9 police.

10 MOAYAD: Thanks be to God.

11 MOAYAD: God willing. Thanks to Allah!

12 CI-1: Thanks to Allah!

13 CI-1: You will of course provide him with the  
14 names and addresses of the people working for Hamas and give  
15 him the green light to contact them in order to look into  
16 their situation, whether it's financial status, or protection,  
17 or training, their work, what they did do or didn't know,  
18 he'll take care of all that. And of course he expects from  
19 you the green light to ...

20 MOAYAD: I may be able to contact and meet with  
21 Khalid Mesh'al

22 CI-1: Yes.

23 MOAYAD: -as soon as possible. I can sit with him  
24 and discuss that with him...

25 CI-1: Where?

1 MOAYAD: In Syria!

2 CI-1: In Syria?

3 MOAYAD: Yes. He comes to visit us a lot in Yemen.

4 I can sit with him and discuss these points with him, I'll be  
5 the contact between him and I, then between you and I.

6 CI-1: Now, he wants to clarify something, he is  
7 preparing the money. He will be traveling tomorrow night to  
8 France, and he'll have the money prepared for Sheik Mohammed  
9 in the morning.

10 MOAYAD: God willing.

11 CI-1: Tomorrow morning, God willing, before the  
12 Friday prayer, he will give it to you. He also wants to  
13 clarify to you sheikh Mohammed that my task is over, that this  
14 is not my task, I'm not an employee, I manage my office  
15 myself, but I am only here to make contact between the two.  
16 Of course if not needed we will not be in contact, he'll  
17 explain how to use the money he gives you...

18 MOAYAD: Who is going to translate for us?

19 CI-1: I, I, I'll be available, but later on, of  
20 course he knows how you'll be spending the money, he'll give  
21 you the money ...

22 MOAYAD: [UI]

23 CI-1: That is it, therefore he said: You are not  
24 an employee of mine, that I've done my job and will be  
25 rewarded by God, then go my way, we'll keep in touch God

1 willing.

2 ZAYED: He'll take his commission that's it.

3 MOAYAD: Talking about this, what about continuing  
4 communications in the future?

5 CI-1: He said as a safety measure for the entire  
6 operation, I will not be in the picture unless I am needed.  
7 And at the same time he said I don't have any connection with  
8 his organization, or its private business and what he does.  
9 That it's none of my business. Therefore he'll have to  
10 arrange how to communicate...

11 MOAYAD: As long as it's trustworthy. It is not  
12 easy.

13 CI-1: He says that you will be available, he is  
14 telling me, you will be available. But now let's just take  
15 care; he'll give you the money now and when it's time to meet  
16 again I'll be available, when meeting with others and such.

17 MOAYAD: When meeting, yes, and we can arrange it.

18 CI-1: Yes.

19 CI-1: He says that everything he did through me  
20 was just for an initial point of contact, but he said he has  
21 in his organization many people from his background, who are  
22 fluent in Arabic who conduct other operations with other  
23 individuals in other countries. Therefore he tells you to  
24 rest assured.

25 MOAYAD: Thank God.

1 CI-1: Now he wants to talk about the last thing.

2 MOAYAD: In the name of God.

3 CI-1: He says that he has 2.5 million. And of  
4 course, he's careful that this money to be spent by your  
5 organization.

6 CI-1: He says why should I spend this money  
7 through you? Of course, you can explain to him that you are  
8 trustworthy and such.

9 MOAYAD: To appease God, first of all. Second, to  
10 clear the conscience of all Muslims who will ask us. And the  
11 last thing is because we want to go to heaven.

12 CI-1: Of course, he says that I know that I'll  
13 spend the money for the sake of God, I know that we're all  
14 working primary for the sake of God.

15 MOAYAD: That is number one.

16 CI-1: Second, that is regarding the financial  
17 support for these things, he's willing to pay the whole amount  
18 for the Mujahidin in order to be trained on weaponry,  
19 explosives, communications, and all kinds of Jihad. Therefore,  
20 he is saying that all this money, the majority of the money is  
21 for the sake of God for these specific purposes-

22 MOAYAD: In that field.

23 CI-1: -in that field, he wants you to back that  
24 up.

25 MOAYAD: As much as we can possibly do.

1 ZAYED: But ask him to specify the amounts.

2 CI-1: No, no, specifying the amounts is his  
3 business.

4 MOAYAD: In general, that is one of the greatest  
5 fields of Jihad, he wants the majority to be for that field.  
6 And we have to work in that field, we should work toward it  
7 until we attain it.

8 CI-1: Is there something you want to say.

9 MOAYAD: Mohammad is saying that we have to be sure  
10 since the money is on our conscious.

11 CI-1: No, no, no, he is saying-

12 MOAYAD: Mohammed is saying this is on our  
13 conscience.

14 CI-1: God willing.

15 ZAYED: It's a test from God.

16 ZAYED: It's a test from Allah, from Allah!

17 CI-1: We are being tested as Muslims.

18 ZAYED: No the money, the money is the test ...

19 CI-1: Of course, it's all for the Jihad for the  
20 sake of Allah. He says the students, for example, he doesn't  
21 have the money for them to train on the computer and  
22 languages, he has for very specific training, training with  
23 Hamas, military kind of training, on weapons...

24 MOAYAD: Jihad.

25 CI-1: Jihad with bombs, weaponry, and all types of

1 weapons, any type of Jihad along with their learning more  
2 about Islam and educating them about Jihad for the sake of God  
3 in the language that-.

4 MOAYAD: We will discuss this with our brothers in  
5 Hamas of course, in order to get ready.

6 ZAYED: In order to see their circumstances, their  
7 circumstances-

8 MOAYAD: To see their circumstances.

9 ZAYED: -of our brothers in America.

10 CI-1: Any organizations. Hamas or Al Qaeda or  
11 any Islamic jihad kind of organization, any Mujahid to train  
12 on, it is their right.

13 MOAYAD: The Muslim will prepare a Muslim,  
14 preparation of Muslims.

15 CI-1: Now, what percentage do you want? Now the  
16 topic is about the available \$2.5 million.

17 MOAYAD: Let him make the suggestions, and we'll  
18 see.

19 CI-1: Say how much. He wants you to name the  
20 percentage.

21 MOAYAD: By God, for me the main thing is the school  
22 and the bakery.

23 ZAYED: School and bakery.

24 CI-1: He says now the percentage that you'll take  
25 in the name of the bakery and the school that includes

1 everything. So the percentage is such and such percent from  
2 the total amount.

3 MOAYAD: What is the percentage?

4 MOAYAD: Let me see. [Laugh]

5 CI-1: 5% of the whole amount.

6 MOAYAD: That percentage is too small. Make it so  
7 the total is at least 30 or 35.

8 CI-1: He says 6%.

9 MOAYAD: That won't work. We need enough to meet our  
10 needs.

11 MOAYAD: We want to be honest with what we do.

12 [ZAYED mumbling in the background..."\$25 thousand..."]

13 CI-1: He says 10% is the most he can go, and  
14 that's as a start.

15 MOAYAD: Let me tell you based on what we have. The  
16 bakery, we'll need 100 in one month [UI]

17 CI-1: Of course Sheik Mohammad, this is new to  
18 him, it's an experiment. And after that the work is done in  
19 stages, when you learn how things work, next time when you  
20 come to him and agree on something, 10% for the bakery and  
21 such, and when you move on to the next stage of communication  
22 with him about what's been done for the Mujahidin. I'm  
23 certain, 100%, he says he will raise the amount then. He  
24 wants to explain something, that as he is giving you the money  
25 upfront you have to prove yourself in this line of work in

1 that field.

2 MOAYAD: Thank God, Thank God.

3 CI-1: He say 10% is the most he can give. And  
4 God willing, as I told you, whenever he sees the results and  
5 steps taken towards...

6 MOAYAD: But there's another point, we did not  
7 tackle, this is for the school and the bakery-

8 CI-1: Yes.

9 MOAYAD: -what about the Muslim prisoners and their  
10 lawyers-

11 MOAYAD: -their families and the families of the  
12 martyrs.

13 MOAYAD: We might open a law firm.

14 ZAYED: [UI]

15 CI-1: Yesterday he was talking about this topic  
16 exactly, he says...

17 MOAYAD: Maybe we'll start up a law firm.

18 CI-1: He says regarding the prisoners, whether  
19 they were in Yemen or the U.S.

20 MOAYAD: Wherever they are.

21 CI-1: Or they were in Guantanamo.

22 MOAYAD: Wherever they are.

23 CI-1: Wherever they are, their families, the  
24 families of the martyrs.

25 MOAYAD: We have to appoint lawyers for them.

1           CI-1: And their lawyers, I can't specify the  
2 amounts that I can give to them on a monthly basis. He was  
3 saying that yesterday. He says that I want to prepare a list  
4 of the names of the prisoners, their families, the number of  
5 children in each family, for example, this person has one  
6 child, and he gets that much, the other one has five children,  
7 or this one got out of prison and doesn't have a job to  
8 support him. These things he can't decide until he has a list  
9 in front of him enumerating the people that need help. This  
10 will have a special budget.

11           MOAYAD: That's fine. So it's not part of this.

12           ZAYED: That is not related to this.

13           MOAYAD: We may even start a law firm, a law firm  
14 with great lawyers.

15           CI-1: One thing doesn't have anything to do with  
16 the other.

17           ZAYED: This is for the bakery and other things  
18 only.

19           MOAYAD: He says, what about brother Mohammad's  
20 percentage.

21           CI-1: What?

22           MOAYAD: He says what about brother Mohammad's  
23 percentage, a percentage for you.

24           ZAYED: Percentage for you.

25           CI-1: We'll deal with my share later sheik

1 Mohammed.

2 MOAYAD: No deal with it all together.

3 CI-1: He says he'll take care of me.

4 MOAYAD: And you will take care of him more than we  
5 do.

6 CI-1: You know we'll deal with that later on.

7 MOAYAD: It's for your working with us, I did not  
8 give you anything. We have relations with you. And regarding  
9 what's for Hamas, when we communicate with them do we talk to  
10 you or how do we keep in touch?

11 CI-1: No. You are the one who will provide me  
12 with the names.

13 MOAYAD: If, for example, the person in Sana'a, I  
14 will ask him to connect me with your brothers who are with you  
15 over there, and then we'll arrange who should I call.

16 MOAYAD: Their addresses and names.

17 CI-1: He says now my relations are done with your  
18 organization, but he said that I'm the main connection between  
19 me and you, and you and Hamas. The information and names and  
20 such you will give it to me. There's no communications with  
21 someone else. Second, in the future, after things are  
22 arranged there will be people to replace me because I will  
23 be...God willing-

24 MOAYAD: Arrangements will be made later.

25 CI-1: Yes.

1 MOAYAD: Our work now is with you.

2 CI-1: Yes.

3 MOAYAD: You have our telephone numbers and we have  
4 your telephone numbers

5 CI-1: Yes.

6 MOAYAD: And the codes, the students and-

7 CI-1: We'll agree on all that later on.

8 MOAYAD: I am telling him that we'll send them the  
9 names for the amounts.

10 CI-1: All that we talked about he'll give [UI].

11 CI-2: Uhum.

12 CI-1: What did he say? Anything?

13 MOAYAD: He said, we can talk to Hamas here, I told  
14 him no, it is not feasible.

15 ZAYED: No, there is no need for us to receive the  
16 money here, it should be transferred to them directly.

17 CI-1: No. Let him give it first.

18 ZAYED: Let us reach an agreement with them first.

19 MOAYAD: We have to give them the green light.

20 CI-1: Oh! No way! Let us first

21 CI-1: What? Do you guarantee that he will reach an  
22 agreement with them?

23 ZAYED: After the sheikh communicates with them, the  
24 amount of money can be directly transferred to them without us  
25 getting the money. We get the 10% that we agreed upon and the

1 rest goes directly to them and communication is done directly  
2 with them.

3 CI-2: Uhum.

4 CI-1: In New York?

5 MOAYAD: Yeah, in New York, in New York.

6 CI-1: New York, with whom?

7 MOAYAD: With same people, with Hamas, they have  
8 people here and there.

9 CI-2: Yes, yes, yes.

10 MOAYAD: It's a possibility.

11 ZAYED: It's less of a burden on us and them.

12 CI-1: He says, of course that everything is  
13 arranged. He says that because of the difficulty to do  
14 transfers and lack of trust in people, he has ready a check  
15 book in his office name, all the checks will be signed for  
16 you, you will issue those checks to the people who are going  
17 to cash them, and under different names, the money to go into  
18 different accounts at different banks. Now the first payment  
19 that you can receive as soon as you get the checks is \$50,000.  
20 He said that all my money is not in this account. For  
21 example, the first 10 checks can be written, for example, for  
22 so and so for \$5000, someone else for \$3000, the other six  
23 thousand, the names don't have to be real.

24 MOAYAD: No problem.

25 CI-1: So that the first 10 checks total \$50,000,

1 not a single dollar more than that. Because every week or two  
2 he will put some money in that account. He will not put the  
3 two million in there all at once. He will be feeding this  
4 account every one or two weeks. When he puts the money in,  
5 you can do what's needed for the bakery and so on, you know  
6 what percentages to use. So the money will be in your hands  
7 and how it's spent is up to you. What's important to him is  
8 not to write checks to the same name twice or more, list the  
9 names, list the names, so there's no question as to why this  
10 person always spends this money. So list the names of people-

11 CI-1: -and the names of banks, the list of names,  
12 and the bank names, for example one at the Yemeni Bank,  
13 another at the National Bank, and so on with different-

14 MOAYAD: You mean this checkbook can be used to  
15 deposit at any bank you want?

16 CI-1: Yes, to any bank. Yes, that's how it is.

17 MOAYAD: That's excellent.

18 CI-1: I will explain that to you.

19 CI-1: Of course he said who are these people?

20 MOAYAD: They are my children, my children.

21 CI-1: The names of his children, are they going  
22 to be part of the Jihad work?

23 MOAYAD: The bakery.

24 ZAYED: The bakery.

25 MOAYAD: The bakery only.

1 CI-1: That is the question he asked.

2 CI-1: We can't give the same names or even  
3 similarity of names could exist Mohammed one, another name  
4 another check. The names have to be different. Different names  
5 with different bank accounts, one account should be in the  
6 International Bank of Yemen, and another account in the Yemeni  
7 Commercial Bank, therefore you will not be putting the  
8 accounts into one bank, in order to avoid suspicion.

9 MOAYAD: It is not going be continual withdrawal  
10 activity-

11 CI-1: Over there, in America, when money gets  
12 withdrawn, they will concentrate on this specific person, who  
13 is dealing with a specific bank, and it will create suspicion,  
14 they will suspect that account. That is why the names must be  
15 totally different, the individuals have to be totally  
16 different and the withdrawn amounts will absolutely not exceed  
17 fifty, that is step one, step two, you will be informed of the  
18 deposited amount and this is the amount which will be written  
19 on the check. A whole entire checkbook will be endorsed and  
20 blank at your disposal.

21 MOAYAD: The check? Is it going to be written in  
22 Arabic?

23 CI-1: No, not in Arabic. It is going to be in  
24 English.

25 ZAYED: You need the spelled names.

1 CI-1: We need the spelled names.

2 MOAYAD: It is possible.

3 CI-1: So and so, and the date, and they will  
4 receive blank checks.

5 MOAYAD: I pray to Allah for success.

6 CI-1: That is the way to avoid raising any  
7 suspicion.

8 ZAYED: We have to make sure that the children have  
9 bank accounts in order to cash the checks.

10 CI-1: This is an excuse, the people which you  
11 will choose-

12 ZAYED: Thank God, when we deposit something, we do  
13 it in their names, one time, another check to another person.

14 CI-1: Any individuals, any individuals you chose,  
15 and you got the opportunity to-

16 CI-1: Yeah. The most important thing is that  
17 those ten checks won't exceed fifty thousand, as the first  
18 batch. For if you make a mistake, and one of the checks  
19 exceeds the fifty thousand by one dollar, the check will be  
20 returned, the last check will return and it will put him in an  
21 embarrassing situation. The last check will bounce and the  
22 account will be overdrawn. It is possible that you'll be told  
23 that we received a check but you don't have enough funds to  
24 cover it. Therefore he is careful to what... he said that two  
25 weeks later, he is going to contact you to do what's

1 necessary.

2 MOAYAD: Beautiful! It is easy.

3 CI-1: You will be receiving the second batch of  
4 money-

5 ZAYED: [UI]

6 MOAYAD: [UI]

7 CI-1: The amounts of money which is-

8 ZAYED: Some checks could be to Hamas in America.

9 MOAYAD: We could give them one of the checks we  
10 have.

11 CI-1: The most important thing is that -

12 ZAYED: [UI].

13 CI-1: There is one thing, those checks are not to  
14 be cashed in Yemen only, but it could be cashed all over the  
15 world. For example you could give it to the Hamas office in  
16 Sanaa' to cash it for this matter, which we agreed upon, you  
17 endorse them a check. The same check that is in your name.

18 MOAYAD: For example, we want to purchase something  
19 from a store, I endorse the check to the store owner-

20 CI-1: You could give it to the individual, you  
21 tell him this is a check who is [UI] and it will all work.

22 MOAYAD: God willing! God willing. May God reward  
23 you! You solved it all by yourself. We just don't have  
24 experience.

25 CI-1: He said that problems usually begin in

1 America, from the simplest types of mistakes, which might  
2 happen when you want to cash a check and there is lack of  
3 funds at the bank to cover it, they follow up that account.  
4 This is when problems arise, they are going to ask questions,  
5 and check things out because you are cashing a check and you  
6 don't have funds.

7 ZAYED: We have to keep a good account.

8 CI-1: I am going to give you a paper, on it you  
9 write down the names clearly and in English letters

10 MOAYAD: Capital.

11 CI-1: Capital and the dates to avoid any mistakes  
12 or confusion. If you make a mistake on a check, just disregard  
13 it and go to the next check, do not do anything hastily.

14 CI-1: In our country one could sign by mistake,  
15 it is tolerated. But don't do that.

16 MOAYAD: God willing.

17 CI-1: Do you have anything else to say, if not we  
18 are depending on Allah!

19 MOAYAD: Aha, I just want to add number, three,  
20 four, five and six.

21 CI-1: Yes.

22 MOAYAD: First thing is we must obey God in order  
23 for God to protect him.

24 CI-1: Yes.

25 MOAYAD: Second thing is continuity, you can't

1 provide us something and you cut it suddenly. This is no good.

2 So number one is to depend on Allah-

3 CI-1: Let me tell him one at a time-

4 MOAYAD: Okay.

5 CI-1: He said as long as you keep your word and  
6 you will do what we agreed upon, I also will remain faithful  
7 to what we agreed upon.

8 MOAYAD: Thirdly: We are going to keep our promises  
9 to one another, but if one of us makes a mistake, we must be  
10 able to forgive one another. Okay with this one?

11 CI-1: Yes.

12 MOAYAD: This is the most important thing.

13 MOAYAD: Second, huh, [UI] Thirdly forgiveness.

14 CI-1: You said it already.

15 MOAYAD: Number four because the third one was  
16 forgiveness, huh...the fourth one is Secrecy

17 MOAYAD: The prophet, may Allah's prayers, blessings  
18 bestowed on him, said that: "He who has a blessing is cursed  
19 he who has any blessing is envied, now what should be done?"  
20 This is a Hadeeth, he said um...a... "Seek God's help and be  
21 faithful-

22 All: "Seek God's help and be faithful"

23 MOAYAD: Okay? The last matter, don't put too much  
24 pressure or control on us, we'll always do as we agreed upon,  
25 God willing, but in case we go over because we see that this

1 is in our best interest. We have to be flexible in dealing  
2 with one another.

3 CI-1: I had explained to him the meaning of the  
4 group wedding, so when I told him, he really liked it a lot,  
5 especially the poetry and the words of what's his name? Sheikh  
6 Mohammed?

7 MOAYAD: Siyam

8 ZAYED: Siyam.

9 CI-1: Siyam!

10 MOAYAD: He is the spokesman of Hamas.

11 CI-1: Yes, he is the spokesman of Hamas...

12 ZAYED: He is the director.

13 MOAYAD: He is the second man.

14 CI-1: He is the second man in Hamas.

15 MOAYAD: And he was the preacher at the Aqsa Mosque.

16 CI-1: He is saying what happened in this one, it  
17 is a group wedding I said yes of course.

18 MOAYAD: A group wedding.

19 CI-1: Thank God

20 CI-1: He was very happy to [UI]. He is  
21 expressing his own enthusiasm during the wedding and at the  
22 beginning, and especially the speech of the representative at  
23 the opening and as you know, what had happened the same day,  
24 it coincided with the-

25 ZAYED: -the operation.

1 CI-1: The operation.

2 ZAYED: The suicidal one.

3 CI-1: -the suicidal one in a-

4 MOAYAD: Yes, ha, ha, ha.

5 CI-1: -in Palestine. All that coincided with the  
6 wedding.

7 MOAYAD: Two weddings in one time.

8 CI-1: Two weddings in one time.

9 MOAYAD: Yeah.

10 CI-1: Therefore he is asking were you actually  
11 aware of that ahead of time? That there is another wedding?

12 [Laughing.]

13 MOAYAD: [Laughing.] No.

14 ZAYED: [Laughing] No.

15 ZAYED: I (UI).

16 CI-1: So, of course-

17 ZAYED: If God is willing, the next wedding will be  
18 a cheerful event for Islam in its entirety.

19 MOAYAD: God willing!

20 CI-1: [Laughs.] The future wedding is going to be  
21 a great happy event for all the Muslims, but the most  
22 important thing is nothing should happen in America while I am  
23 inside it.

24 MOAYAD: God willing! Or you could die as a martyr.

25 ZAYED: For the sake of Allah.

1 CI-1: For the sake of God.

2 MOAYAD: God willing!

3 CI-1: He is saying we should not worry but if  
4 something happens it is going to be for the sake of God.

5 MOAYAD: For the sake of Allah, yes, God willing,  
6 God willing. Glory to Allah, glory to Allah. All is well? [UI]

7 CI-1: Yes, thank God.

8 CI-1: He is saying that tomorrow morning he is  
9 going to give you the checks, after I make sure that the  
10 situation over there with the money is okay. He said that he  
11 knows that the money will be in your possession, you do with  
12 it what pleases you. Tomorrow around-

13 CI-1: He said he is going to be traveling to  
14 Paris tomorrow evening and he will be preparing himself to  
15 travel to the USA. And he will give the checks tomorrow  
16 morning.

17 MOAYAD: Now, are we returning to the hotel tonight?

18 CI-1: He is saying that the hotel is paid for  
19 until-

20 ZAYED: [UI].

21 CI-1: He said that he paid everything in advance.

22 MOAYAD: May Allah reward you.

23 CI-1: You could leave tomorrow.

24 MOAYAD: If God is willing, God willing.

25 CI-1: We are going to meet you tomorrow morning,

1 we'll meet with you before the Friday prayer God willing. We  
2 give you the checks and after that we can take you any place  
3 you wish in New York or anywhere such as another hotel or so.  
4 And, God willing tomorrow we'll have news if I have to remain  
5 for few days or [UI] it depends on...

6 MOAYAD: [UI].

7 ZAYED: [UI].

8 CI-1: No, he is leaving, he has work, but  
9 wherever he is, we we can't say yes, I will be with you the  
10 next day you don't know.

11 CI-1: He is going to let me know tomorrow.

12 MOAYAD: Yes. Please confirm with him the method of  
13 communications between Hamas and him, is it going to be direct  
14 or is it going to be through you?

15 CI-1: Where?

16 MOAYAD: In America.

17 CI-1: You list the names of the people there,  
18 their names and phone numbers that you know. You give them to  
19 me providing that the contact will occur when he is ready to  
20 call after he checks them out he could contact them.

21 MOAYAD: The person should remain anonymous.

22 Moreover, we don't want to know him.

23 CI-1: That is no problem to know his name. But it  
24 is not possible to give them his name of course, and they  
25 cannot contact him.

1 MOAYAD: That is important.

2 CI-1: Yes. He is going to contact them on his  
3 own. Once he checks their phone numbers and he will do the  
4 rest, since he must be cautious.

5 CI-2: [UI].

6 CI-1: Do you have Internet?

7 MOAYAD: We have a fax.

8 ZAYED: We have Internet with us which belongs to  
9 the youth.

10 MOAYAD: It is possible.

11 CI-1: It does not matter -- either on the  
12 Internet or the fax -- along with the names and we could send  
13 them both.

14 MOAYAD: Possible.

15 ZAYED: They have Hamas's e-mail address and other  
16 e-mail addresses as well.

17 CI-1: You give us both, the internet, provide us  
18 with the e-mail address, and contact us, and at the same time  
19 we'll give you our fax and you send it.

20 MOAYAD: Regarding the orphans, those who are in  
21 prison, and their families, do I put down the maximum? Does  
22 their budget comes out of this here?

23 CI-1: No, they have a separate budget.

24 MOAYAD: Where would it be under?

25 CI-1: He is saying that there is a budget, a

1 special budget-

2 ZAYED: (UI)

3 CI-1: A special that for that; he needs their  
4 names, their numbers, the names of the family members-

5 MOAYAD: Uhum.

6 CI-1: You can write down the names of those who  
7 are familiar to you.

8 MOAYAD: Uhum.

9 CI-1: Those who are incarcerated in prison or in  
10 any place.

11 MOAYAD: I am going to write a list of names. And in  
12 front of each name I am going to write the maximum amount for  
13 the orphans, for the prisoners, for those out of prison-

14 CI-1: Yes.

15 MOAYAD: And their families, is it going to be in  
16 that one.

17 CI-1: No, this has nothing to do with that.

18 MOAYAD: So what is this one for?

19 CI-1: He is saying that this has to have a  
20 special budget, and in order to put this budget, he has to  
21 know their number, their names and the names of

22 MOAYAD: [UI].

23 CI-1: Yes, I am with you, but it is good to  
24 provide their names, their numbers and their locations.  
25 First of all who are these people. Second, if those people

1 are still in prison, you should indicate it since they will  
2 need some attorneys. The people who were released, they need a  
3 temporary place to live and they need to work. This is to  
4 learn the number of people.

5 MOAYAD: I have an opinion, I have an opinion.

6 CI-1: Yes.

7 MOAYAD: Let us consecrate a certain percentage from  
8 this to the needy, for example, three per cent, because there  
9 are some very exigent and urgent circumstances, we have to do  
10 something, even if you are in this situation you are not  
11 mistaken.

12 CI-1: Of course, regarding brother Elfgeeh or  
13 Ahmed Elfgeeh, of course they don't have, they don't, they  
14 don't know anything-

15 MOAYAD: No, no, they are not.

16 CI-1: At the same time, you are not going to give  
17 them money for their private projects, he is repeating what is  
18 being said, but I was just telling him if any person is in  
19 need of money, he could go to Hadda. I am talking about little  
20 amounts of money-

21 MOAYAD: Yes, right.

22 CI-1: - you could let us know and we'll transfer  
23 more money to you. Hence you give us their names. Just let us  
24 know to whom is the money going, So you give us the names,  
25 when you call and we'll take care of matters.

1 MOAYAD: [UI].

2 ZAYED: [UI].

3 CI-1: -And the other one the same way. Al Hadda  
4 [phonetic], there is a Hadda, in Frankfurt as well. Their  
5 address, in order to be able to [UI] well this is an official  
6 business, but sometimes things arise which are different,  
7 where there is more danger. You are going to give us the  
8 names.

9 MOAYAD: This could be done.

10 CI-1: So you give us the names.

11 MOAYAD: In Yemen in a little while, I shall go  
12 after the haj. For about one week to ten days to America.

13 ZAYED: To America?

14 MOAYAD: Yes, for treatment, (UI) Germany.

15 CI-1: He says also you know-

16 ZAYED: That if..

17 ZAYED: Why?

18 MOAYAD: For treatment.

19 CI-1: For treatment, yes of course, it is his own  
20 company.

21 CI-1: There are many Syrian sheikhs in different  
22 mosques, uh uh uh, do you know of sheikh Mohammed? He is  
23 referring here to a sheikh Mohammed, at a Yemeni mosque.

24 MOAYAD: Is he Yemeni?

25 CI-1: No, the mosque itself is Yemeni but the

1 preacher, the Imam is Syrian.

2 MOAYAD: No. Do you know, they have a Yemeni  
3 preacher, his name is-

4 ZAYED: His name is Abdallah Mahmoud Al Hajr.

5 CI-1: Al Hajr?

6 ZAYED: Yes, Abdallah Mahmoud Al Hajr.

7 CI-1: Al Hajr?

8 ZAYED: Abdallah Mahmoud Al Hajr.

9 CI-1: Al Hajr?

10 ZAYED: Al Hajr yes.

11 CI-1: Where?

12 ZAYED: At-

13 MOAYAD: We'll find out. That's not a problem,  
14 we'll get the address..

15 ZAYED: -it is somewhere next to Farouq mosque.

16 MOAYAD: It is next to Farouq mosque.

17 CI-1: It is an Algerian one.

18 MOAYAD: No, he is a Yemeni one.

19 CI-1: Who is that?

20 MOAYAD: His name is Dr. Hamoud Al...

21 CI-1: He needs a special kind of attention and he  
22 may need very special care.

23 MOAYAD: It is not a problem. We'll find it.

24 CI-1: It is not important

25 MOAYAD: It is not important.

1           CI-1: Are you going to talk to Hadda people or you  
2 may call them by phone, the office of Al Hadda here, you can  
3 do a transfer from America to Frankfurt., after that [UI].

4           ZAYED: On Thursday we'll head to-.

5           MOAYAD: Yes we'll go there on Thursday.

6           ZAYED: We'll-

7           MOAYAD: Ohoh! [Laughing]

8           MOAYAD: We are also going to contact the doctor.

9           CI-1: We are going to solve it by checking things  
10 with them. We are going to continue tomorrow, we'll finish it.

11           ZAYED: We can work on it tonight.

12           CI-1: Yes we could work on it tonight and you can  
13 ask the brothers to-

14           ZAYED: I told them to make appointment-

15           CI-1: We'll see what can we do about the  
16 appointment, and the reservation.

17           ZAYED: We can make it tonight.

18           CI-1: We'll do it tonight. And we can ask the  
19 brothers to visit us tomorrow at the doctor's office.

20           MOAYAD: If we were in Sanaa', we would have just  
21 walked in, without reservations or anything.

22           CI-1: Call them up and let them make an  
23 appointment.

24           MOAYAD: [UI].

25           CI-1: Psychological [UI].

1 MOAYAD: Hand me my cane.  
2 CI-1: He was late last night.  
3 MOAYAD: Glory and thanks to God  
4 CI-2: Glory and thanks to God.  
5 MOAYAD: I swear that there is no God but Allah.  
6 CI-2: I swear that there is no God but Allah.  
7 MOAYAD: I swear that there is no God but Allah.  
8 CI-2: I swear that there is no God but Allah.  
9 MOAYAD: I ask your forgiveness.  
10 CI-2: I ask your forgiveness.  
11 MOAYAD: And I repent to you.  
12 CI-2: And I repent to you.  
13 CI-1: [UI].  
14 MOAYAD: Peace with you.  
15 CI-2: And upon you? "  
16 (END OF READING.)

17  
18 MS. MOORE: Your Honor, would this be a good time  
19 for an afternoon break?

20 THE COURT: That's what I was going to find out  
21 after this exciting presentation.

22 Take five minutes ladies and gentlemen. What do you  
23 have after this?

24 MS. MOORE: More tapes.  
25 (Jury leaves courtroom.)

1           THE COURT: You get that subpoena, get it done  
2 today.

3           MR. GOODMAN: I'm going to go down to the Clerk's  
4 Office right now.

5           (Recess taken.)

6           (Continued on next page.).

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3 THE COURT: Are you working on something to shorten  
4 this up?

5 MS. MOORE: We have an FBI agent who is from Yemen,  
6 Your Honor, and he had taken custody of the wedding video as  
7 well as some receipts and he's in New York now and we're going  
8 to call him this week and the question we're trying to resolve  
9 is because the wedding video may still come in in rebuttal  
10 case, we don't want to have to recall him from Yemen just for  
11 that, if we could offer it subject to connection or work out a  
12 stipulation or do something along those lines.

13 MR. GOODMAN: We're talking about it.

14 THE COURT: You don't have to hold this up?

15 MR. GOODMAN: No.

16 THE COURT: Because we've got this woman who has got  
17 to leave at quarter after five.

18 MS. CHEN: What we have cued up is two ten minute  
19 videos and then there's going to be the reading along with  
20 those, so that's about almost an hour's worth of time. Our  
21 proposal is to let us go through those two shorter videos, do  
22 the reading of those and wait until tomorrow to do two much  
23 longer ones.

24 THE COURT: Why can't they read the transcripts when  
25 they're looking at the video?

1 MS. CHEN: We want them to focus on the video.  
2 Because otherwise, I know this myself, is that when you're  
3 reading, you're not looking at the screen and you're missing  
4 all the visual cues and the gestures and the visual  
5 expressions. I'm totally serious, I don't know why this is a  
6 funny matter.

7 MR. GOODMAN: Why --

8 MS. CHEN: When they laugh about the wedding it is  
9 important to see this.

10 MR. GOODMAN: So, we're going to do that for about  
11 an hour.

12 THE COURT: We're going to do the two ten minutes  
13 like she says, then they're going to do the exciting reading  
14 and then we'll let them go because she has to pick up the baby  
15 by quarter after five.

16 MR. GOODMAN: The off Broadway performances.

17 THE COURT: Bring the jury out.

18 (Jury enters courtroom.)

19 THE COURT: Have a seat, ladies and gentlemen.

20 What we're going to do, ladies and gentlemen,  
21 they're going to have two short ten minute tapes, they say,  
22 and then they're going to have the reading and then by that  
23 time it will be around quarter after five and we will let you  
24 go, okay.

25 MS. CHEN: Your Honor, we're now playing

1 Government's Exhibit 9 which is a videotape of approximately  
2 eight minutes in length that records a meeting between the  
3 defendants in their hotel room on January 9th at approximately  
4 1:33 p.m. which is about 45 minutes after the last  
5 conversation that we just read into the record.

6 THE COURT: Okay, roll 'em.

7 (Whereupon, the tape is played.)

8

9 MS. CHEN: The government is now going to read from  
10 Government's Exhibit T-9 which is the translated transcript of  
11 the conversation you just saw.

12 (BEGINNING OF READING.)

13 "MOAYAD: Maybe, maybe, maybe we can send it from  
14 the general (UI). And we'll tell Brother Munir, 'you're  
15 free... ' And we'll tell him, 'if you need to get it done,  
16 get a move on.'

17 ZAYED: (UI) it's not much, we can take our share.

18 MOAYAD: (UI).

19 ZAYED: (UI).

20 MOAYAD: (UI) fifty?

21 ZAYED: (UI).

22 MOAYAD: All of it?

23 ZAYED: (UI).

24 MOAYAD: (UI).

25 ZAYED: Two thousand five hundred.

1 MOAYAD: From the fifty?

2 ZAYED: No, no. Out of the total.

3 MOAYAD: No, (UI).

4 ZAYED: Five (UI).

5 MOAYAD: Two thousand five hundred.

6 ZAYED: Five (UI).

7 MOAYAD: Two thousand five hundred is ten percent.

8 ZAYED: Five percent is twenty five hundred. Five  
9 thousand, five thousand dollars.

10 MOAYAD: Twenty five hundred.

11 ZAYED: No, no. Five thousand.

12 MOAYAD: Five thousand, how?.

13 ZAYED: Five times ten is fifty (UI).

14 MOAYAD: Isn't it ten percent? That means ten for  
15 every hundred.

16 ZAYED: Ten for every hundred.

17 MOAYAD: Then you're right, five for every fifty.

18 ZAYED: But I am saying, in reference to the  
19 matter...if we have an agreement....

20 MOAYAD: We'll be the contact between the two of  
21 them.

22 ZAYED: So that he will take delivery of their  
23 entire share of the money. He'll take delivery of it there.

24 MOAYAD: How do they want to follow-up over there?  
25 What do they want to do in Yemen? Their membership (UI).

1 (UI) I don't believe the movement is as dead in that field, to  
2 the point they don't talk about anything.

3 ZAYED: No, we talk. (UI).

4 MOAYAD: I mean it's not moving in this field.

5 ZAYED: I mean...from its foundation..it was...

6 MOAYAD: Let me tell you, we need to see (UI), make  
7 a move in this field.

8 ZAYED: Sheikh Yasin, you've visited him.

9 MOAYAD: Yeah. It's possible to talk with Yasin, on  
10 the basis that he has a military wing -it's called a military  
11 wing...

12 ZAYED: Uh.

13 MOAYAD: (UI) and since it is a part of Hamas, and  
14 between the brothers and Hamas, there is (UI)...Uh, we'll think  
15 about it. And then, there is Ali Abdullah, so much money.  
16 And then you have (UI).

17 ZAYED: But since he is (UI).

18 MOAYAD: No, we'll tell them. I'll tell him (UI).  
19 Meanwhile, we've visited him and so on and so forth. You do  
20 it your way and they do it their way. He wants this field,  
21 this field and that one.

22 ZAYED: Everyone (UI).

23 MOAYAD: Ask someone to... look at the plane (UI). I  
24 mean, you can ask someone to call him.

25 ZAYED: They (UI) camps in Yemen.

1 MOAYAD: Maybe they have a plan (UI). It's not  
2 farfetched.

3 ZAYED: (UI)

4 MOAYAD: I did not hear.

5 ZAYED: (UI) they'll say you left and (UI).

6 MOAYAD: Even though, (UI). We did not take it  
7 (UI).

8 ZAYED: This must, this must (UI).

9 MOAYAD: (UI) they didn't (UI) yet.

10 ZAYED: We have to position ourselves.

11 MOAYAD: (UI) send us...

12 ZAYED: Send to us as is and (UI).

13 MOAYAD: I tell you, it will arrive (UI).

14 ZAYED: (UI). It is a matter of monitoring, that's  
15 all.

16 MOAYAD: We'll tell them give us four or five months  
17 (UI). Let's talk about it (UI).

18 ZAYED: (UI).

19 MOAYAD: (UI)

20 ZAYED: They don't have the status that I have.

21 MOAYAD: Your status is there and everything is  
22 paid.

23 ZAYED: The other (UI).

24 MOAYAD: Everything he has (UI) like them (UI).

25 ZAYED: (UI).

1 MOAYAD: Black (UI).

2 ZAYED: These are the blacks?

3 MOAYAD: What else are they? [Laughs]

4 ZAYED: (UI) leaders.

5 MOAYAD: (UI) our works, our capabilities. Between  
6 you and me, the brothers are cowards.

7 ZAYED: (UI).

8 MOAYAD: They shut the door in the face of  
9 blessings, by their own hands. 'We are offering you this. Do  
10 you agree? We'll give you the address...three, four, five month  
11 and you (UI). Okay?'

12 ZAYED: (UI) he also said he wants young men so  
13 that he can train them.

14 MOAYAD: He said he is willing to 'train them by  
15 me.'

16 ZAYED: (UI).

17 MOAYAD: By him? There? Bless your heart, son!  
18 We have everything, we have protection.

19 ZAYED: But they're saying...

20 MOAYAD: Give them a visa, through his company.

21 ZAYED: For us.

22 MOAYAD: (UI) as you like.

23 ZAYED: (UI)

24 MOAYAD: (UI) Brother Mohammed. This is (UI). Four  
25 or five young men. And he (UI). Not just any young men.

1 He'll train them and they'll continue on.

2 ZAYED: Computer studies. Most people now want to  
3 study computers.

4 MOAYAD: All fields. Whatever they want. They're  
5 old enough (UI). And we'll tell Yasin this and that. Huh?

6 ZAYED: What?

7 MOAYAD: If we have an opportunity, and I don't want  
8 to advertise this.

9 ZAYED: (UI).

10 MOAYAD: We may have an opportunity. We'll choose a  
11 specific person and he'll continue his studies in his own way.  
12 And if he doesn't have it in him, we'll tell him, 'okay dear.  
13 Goodbye. We have enough. Good bye.'

14 ZAYED: (UI).

15 MOAYAD: We are absolved. Don't put us in the  
16 middle and then say (UI). That's not right. (UI)

17 ZAYED: (UI)

18 MOAYAD: And we have a Yemeni intermediary. Thank  
19 God we found someone who'll transfer, transfer the difference  
20 (UI). We said we can do it (UI).

21 ZAYED: (UI) do we contact Khalid Mesh'al directly?

22 MOAYAD: Even Khalid Mesh'al (UI).

23 ZAYED: He is concentrating on Hamas.

24 MOAYAD: No, he won't find people in Hamas. Maybe  
25 they'll bring us the brothers (UI). (UI) call Hamas, call

1 Hamas.

2 ZAYED: (UI).

3 MOAYAD: What do you think about calling (UI)?

4 ZAYED: To visit us there.

5 MOAYAD: (UI).

6 ZAYED: We'll visit him.

7 MOAYAD: No, no (UI). I will visit him, sit with  
8 him and tell him this and that. What do you think?

9 ZAYED: (UI).

10 MOAYAD: (UI).

11 (END OF READING.)

12

13 MS. CHEN: Your Honor, the government is now playing  
14 Government Exhibit Number 10 which occurs about an hour after  
15 the conversation we just heard, the 9th of January  
16 approximately 2:32 p.m.

17 It is another about ten minute long conversation  
18 between the defendants in Arabic in their room.

19 (Whereupon, the tape is played.)

20

21 MS. CHEN: The government will now read into the  
22 record Government's Exhibit T-10 which is a translated  
23 transcript of the conversation we just heard.

24 (Reading begins.)

25 MOAYAD: ...so, everyone is in his own field.

1 CI-1: Yes.

2 MOAYAD: That is why the Prophet, God's praise and  
3 blessings be upon him-

4 CI-1: God's mercy and blessings be upon him.

5 MOAYAD: "Anything is made easy for those who were  
6 created to do it".

7 CI-1: [Mumbles.]

8 MOAYAD: I may tell you to go and memorize the  
9 Quran. You may have difficulty-

10 CI-1: Yes.

11 MOAYAD: -or you have this or that. They'll say  
12 "Mohammed" ... I'll say... one of the Sheikhs will say, "no,  
13 learn languages".

14 CI-1: Right.

15 MOAYAD: You were designed for a specific purpose-

16 CI-1: Right.

17 MOAYAD: -and God will improve Islam in your field.

18 CI-1: Yes, God willing.

19 MOAYAD: And that one will help Muslim members in  
20 his field.

21 CI-1: With God's permission, God willing.

22 MOAYAD: But one should not restrict himself one  
23 bit.

24 CI-1: Yes.

25 MOAYAD: This is all I wanted to get through, God

1 willing.

2 CI-1: God willing. It will all get through,  
3 the steps, God willing.

4 MOAYAD: When I say, "Oh Muslim, (UI) you." But,  
5 uh, we don't understand. Someone may say, "Sheikh, I have an  
6 idea...I wish to make...for example, uh, in the field of...for  
7 example, in the field of...iron," someone in iron  
8 manufacturing in San'a'." Another may say, "Sheikh, I wish to  
9 manufacture a tank here, supplies me with iron, and see. I  
10 currently have machines in San'a', present in San'a' (UI).".

11 CI-1: Wow!

12 MOAYAD: It's there. They say, uh, I can  
13 manufacture the, uh...I mean, I challenge that I can  
14 manufacture this, uh, that, uh bulldozer that they bring in  
15 from abroad, I can make it here (UI).

16 CI-1: Wow.

17 MOAYAD: (UI). This one is in his field. This one  
18 is in his field...that one...Of course. I mean, I'm saying  
19 specialized people, if you look in society, you'll find all  
20 types. You want (UI) in that field. The mujahid who rears,  
21 raises a generation. There was no war during the time of Imam  
22 Muhammad 'Abdu, but he raised an ideology. Take Hasan  
23 al-Bannah, he saw a generation, uh, generations through Jihad,  
24 in this, and in that. He was not in a single battle.  
25 Possibly, if you asked him to fire a weapon, he wouldn't know

1 how.

2 CI-1: Yes.

3 MOAYAD: But we can't say (UI).

4 CI-1: (UI) sleep. [Laughs.]

5 ZAYED: Exactly.

6 MOAYAD: How we can utilize the nation's potential.

7 CI-1: Yes.

8 MOAYAD: And that's why I say...I said to you  
9 yesterday (UI), "what's your role in the (UI) [either mosque  
10 or university]?".

11 CI-1: What.

12 MOAYAD: (UI) what have you done?

13 CI-1: They always ask about you (UI).

14 MOAYAD: That means the opportunity is there?

15 CI-1: Yes.

16 MOAYAD: You may say this, for example, this is in  
17 the Arabic language.

18 ZAYED: (Coughs.)

19 MOAYAD: This is in, uh....

20 CI-1: ADid you call him Izzi?

21 ZAYED: He is not answering.

22 MOAYAD: Who is he?

23 CI-1: This, eh, eh, this....

24 ZAYED: (UI).

25 CI-1: I don't want us to go and then he'll

1 look for us.

2 ZAYED: I keep dialing his phone, but he doesn't  
3 answer.

4 MOAYAD: He cell phone.

5 ZAYED: (UI).

6 MOAYAD: You see?

7 CI-1: Yes.

8 MOAYAD: There is a thing...someone will say, look  
9 at the students who study electricity. What's in the field of  
10 electricity? Some people study...comp...uh...this uh,  
11 mechanics. (UI).

12 CI-1: Yes.

13 MOAYAD: Who said all people must fit in one mold.  
14 (UI).

15 CI-1: Yes.

16 MOAYAD: All of you must be (UI). And that's why  
17 there are specializations in school. Who wants to go to the  
18 field of engineering?

19 CI-1: Everyone according to interests his  
20 liking.

21 ZAYED: Peace (UI), Mr. Muhammad?

22 MOAYAD: And sometimes someone is in a field that is  
23 (UI).

24 ZAYED: (UI) by the hotel? I'll tell him...I  
25 mean...when will you be here?...three o'clock....so, we'll go

1 have lunch and come

2 Back Huh?

3 CI-1: Let him come to lunch with us.

4 MOAYAD: Let him come to lunch with us.

5 ZAYED: You want to come have lunch here?

6 He won't be here 'til three o'clock.

7 MOAYAD: (UI).

8 ZAYED: Abudullah, Abdullah. (UI).

9 ZAYED: Okay, the Sheikh said we'll wait for you  
10 (UI).

11 MOAYAD: (UI) five o'clock means we'll leave in an  
12 hour and a half.

13 CI-1: No, now there is only half an hour to  
14 go.

15 ZAYED: (UI).

16 MOAYAD: (UI).

17 ZAYED: (UI).

18 CI-1: Huh.

19 MOAYAD: Therefore, the nation is in need of (UI) in  
20 every field. One might say (UI) Muslims. (UI) very  
21 successful.

22 CI-1: Yes.

23 MOAYAD: Why would you deny them? (UI).

24 CI-1: This, uh, uh, this Doctor, uh, Doctor  
25 Hasan al-Banna, is he Egyptian or Sudanese.

1 MOAYAD: Egyptian.

2 CI-1: I thought he is a Sudanese who lived in  
3 Egypt.

4 MOAYAD: No, no, no. Egyptian, Egyptian. The  
5 Sudanese is Hasan al-Turabi.

6 CI-1: Oh, I made a mistake regarding the name.

7 ZAYED: Al-Turabi was in a demonstration in Abu  
8 Dhabi.

9 CI-1: (UI).

10 MOAYAD: (UI).

11 ZAYED: (UI) stop the train.

12 CI-1: No, no. That's it, God willing. Have  
13 you seen the Sudan Mr. Mohammed?

14 MOAYAD: Several times. Several times (UI) lately.

15 CI-1: Were our brothers there good? Probably  
16 the sheikh wasn't there?

17 MOAYAD: The people there were good natured, they  
18 were good.

19 CI-1: The north (UI) with the south (UI), God  
20 is far above! Every time they say Shari'a, that Shari'a  
21 should be law (UI).

22 MOAYAD: (UI). "You will please neither the Jews  
23 nor the Christians... (UI).

24 MOAYAD: ...unless you follow their faith...they  
25 will not cease to fight against you until they force you to

1 renounce your faith."

2 CI-1: Yes.

3 MOAYAD: (UI).

4 CI-1: Magdi had told me once...we had told him  
5 about Sheikh 'Abd al-Majid al-Zindani. Him and his brother  
6 have been living in Sudan (UI). We said he has no objection  
7 to living by himself.

8 MOAYAD: (UI).

9 CI-1: Uh? (UI).

10 MOAYAD: The income from the scientific movies (UI)  
11 now on Yemeni television. (UI).

12 CI-1: [Laughs.]

13 ZAYED: Should I bring the qat?

14 MOAYAD: (UI).

15 CI-1: I don't want anything except lunch.  
16 (UI).

17 (END OF READING .)

18 THE COURT: Is that it?

19 MS. MOORE: For the day, Your Honor.

20 THE COURT: Well, ladies and gentlemen, you got an  
21 early day tomorrow. So, we'll see you tomorrow nine o'clock  
22 and have a good day, don't discuss the case. Keep an open  
23 mind.

24 (Jury leaves courtroom.)

25 THE COURT: Are you going to finish these tapes,

1 Ms. Moore?

2 MS. MOORE: I'm sorry?

3 THE COURT: Are you going to finish the tapes?

4 MS. MOORE: Finish the tapes, we've got a few German  
5 witnesses, post-arrest statements and seizures in Germany and  
6 then depending on where we're at --

7 THE COURT: Are you going to be ahead of schedule?

8 MS. MOORE: By like weeks.

9 THE COURT: You got your subpoena?

10 MR. GOODMAN: Yes, I do.

11 MS. MOORE: I don't really know that the Marshals  
12 should be paying for these witnesses. I don't think it is  
13 appropriate to have CJA funds to pay for these witnesses at  
14 this point.

15 THE COURT: Good point.

16 MR. GOODMAN: I'm not going to speak for Mr. Jacobs  
17 on this one.

18 MR. JACOBS: Your Honor, these witnesses were  
19 thought about long before Mr. Goodman came into the case.

20 MS. MOORE: I find that hard to believe.

21 THE COURT: It doesn't make any difference,  
22 Mr. Goodman is retained.

23 MR. JACOBS: What is the point?

24 THE COURT: If you can retain counsel, why should  
25 you want the CJA to pay for witnesses from overseas?

1                   MR. JACOBS: Well, the point is that I am CJA  
2 counsel and it is a complicated situation. It is up to Your  
3 Honor.

4                   MS. MOORE: I think Your Honor kept Mr. Jacobs on  
5 for the sake of continuity and fairness for the defendant.

6                   THE COURT: No, it wasn't that, I didn't keep him  
7 on. It wasn't that that was the issue, he was always counsel  
8 and there's no discussion of him leaving or Mr. Goodman  
9 replacing him. Mr. Goodman just came on to assist.

10                  MR. GOODMAN: That's correct.

11                  MS. MOORE: But he is retained.

12                  THE COURT: But he is retained.

13                  MR. GOODMAN: Correct.

14                  THE COURT: And I'll think about that.

15                  MS. MOORE: For what it is worth, Your Honor, these  
16 defendants didn't even apply for the recess until January  
17 29th, this Saturday.

18                  THE COURT: No, they had visas.

19                  MS. MOORE: That's Mr. Marks' witnesses.

20                  THE COURT: Oh.

21                  MS. MOORE: A different group of people.

22                  THE COURT: So, this is a different set of people?

23                  MR. GOODMAN: Yes. This got interrupted -- this  
24 process got interrupted when Mr. Jacobs had his issues last  
25 week and a half or so.

1           MS. CHEN: I guess the reason Ms. Moore mentioned  
2 that is while Mr. Jacobs says it was contemplated for a  
3 longtime that these witnesses would be coming back to when he  
4 started his representation, that seems contradicted by the  
5 fact that they only maybe two weeks ago applied to come to the  
6 United States.

7           THE COURT: It doesn't make any difference, they did  
8 retain Mr. Goodman and I'll think about it.

9           (Proceedings adjourned as above set forth.)

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